

SENATE—Wednesday, March 9, 1994*(Legislative day of Tuesday, February 22, 1994)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

The PRESIDING OFFICER. Today's prayer will be offered by the guest chaplain, the Reverend Hensel E. Hendrickson, of the Trinity Lutheran Church in Bismarck, ND.

PRAYER

The guest chaplain, the Reverend Hensel E. Hendrickson, offered the following prayer:

Let us pray:
Almighty God, whose presence throughout history has been known and experienced by generations of people, we thank You today for the availability of Your guidance in our lives.

Help us to look within ourselves to detect the Divine power that has enabled many to be people of vision and valor during trying moments of hardship and adversity.

Allow us to look beyond ourselves, to those who struggle under the gravity of oppression, searching for the hope of the dawning of a new day that will bring peace and justice.

Give us courage as we contemplate the mission that we have been called upon to undertake while it is day, or as the words of Chaplain Peter Marshall to this assembly 45 years ago reminds us, "Deliver us from the fear of what might happen and give us the grace to enjoy what now is and to keep striving after what ought to be."

In Your name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 9, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senate majority leader.

Mr. MITCHELL. I yield to the Senator from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota [Mr. DORGAN].

THE GUEST CHAPLAIN

Mr. DORGAN. Mr. President, I rise today to welcome a friend and a fellow North Dakotan, the Reverend Hensel Hendrickson, who is from the Trinity Lutheran Church in Bismarck, ND.

Reverend Hendrickson is a distinguished and well-respected North Dakotan, which happens to be the home State, I might add, of the resident Chaplain in the U.S. Senate, Reverend Halverson.

I might also point out to my colleagues that Reverend Hendrickson is a Scandinavian and a Lutheran, which is not a rarity in our part of the country.

I am delighted to welcome him to the Senate today, and I am very pleased he was able to open the Senate with prayer.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senate majority leader.

Mr. MITCHELL. Mr. President, I join my colleague in welcoming Reverend Hendrickson, and I thank him for his prayer this morning.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, there will now be a period for morning business until 10:15 a.m., during which time Senator HATCH will be recognized for up to 10 minutes and, if time permits, other Senators, for no more than 5 minutes each.

At 10:15, the Senate will return to consideration of S. 4, the competitiveness legislation.

I wish now to repeat what I said last evening. We have been on this bill for 2 days and have made very little progress. This is a bill which passed the Senate unanimously without a single dissenting vote 2 years ago. Now, we spend 2 days in discussion on amendments that have nothing to do with this bill, and there may be other such amendments. Although permitted under the Senate rules, I hope Senators

will keep in mind that this is an important bill that is directed at economic growth and job creation in our society. We should be moving as rapidly as we can to encourage economic growth and job creation and not obstructing or delaying action on such legislation.

As I indicated last evening, if we have not completed action on the bill today, we will be in session tonight for a very long time. The same thing is true of tomorrow night and of Friday. We simply have to make progress on this bill.

I hope my colleagues can find a way to exercise some self-restraint and not offer amendments that have nothing whatsoever to do with this important bill.

Let us pass this important bill, which, I repeat, has as its objective economic growth and job creation. We all should be applauding and encouraging and working toward that goal, because that is really still the central need in our society.

I thank my colleagues and I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Utah [Mr. HATCH] is recognized to speak for up to 10 minutes.

Mr. HATCH. Thank you, Mr. President.

WELCOME TO THE GUEST CHAPLAIN

Mr. HATCH. Mr. President, I, as well, welcome Reverend Hendrickson to the Senate. We are happy to have him here.

THE NEED TO RETAIN THE SENATE CRIME BILL'S DEATH PENALTY FOR DRUG KINGPINS

Mr. HATCH. Mr. President, I remain deeply concerned that the tough provisions of the Senate's crime bill will be weakened in conference between the House and the Senate. This happened in the last Congress. I believe President Clinton should not be silent on all but a few of the elements of the crime bill. I believe the President should endorse the tough-on-crime provisions of the Senate crime bill.

One such provision is the Senate bill's proposal to extend the death penalty for drug kingpins to certain cases where death does not directly result from their activities. This measure passed the Senate by a strong vote of 74 to 25.

The activities of drug kingpins pose perhaps the gravest risk that we face today to our health and well-being, both as individuals and as a nation. In my home State of Utah, the spread of drugs and its attendant violence is a growing problem. Death by violence and disease, destruction of minds and bodies, follow in the wake of these unseen crime barons.

Mr. President, the time has come that we punish these evil purveyors of death and destruction as they deserve to be punished, and no longer let them hide behind the hired guns who pull the triggers for them. This was the position of the prior Republican administration.

I might add that one of the reasons we have so many problems with guns in our society is because of drugs and because of these drug kingpins and because of their financing of violence in our society. It is time to just say, "Enough is enough. We are going to put you to death if you keep inflicting this misery on society."

Their pernicious trade results in the deaths of literally tens of thousands of people around the world, and certainly thousands of people in this country.

The Clinton administration, in my opinion, has retreated from the prior administration's position in the crime war. It has been reported that its reason is that the death penalty is supposedly cruel and unusual punishment as applied to these major drug dealers and thus unconstitutional. As I will explain in a few minutes, the case for the constitutionality of this provision is very, very strong. An administration on the side of the American people and the victims of drug kingpins would support this provision and defend it in the courts.

The drug kingpins will have high-priced lawyers—legal hired guns—arguing for them. That the Clinton administration feels it has to take the side of drug kingpins in this matter is a disturbing development. I hope the President will reverse this apparent position and announce his support for the Senate bill's drug kingpin proposal.

In 1988, Congress passed legislation to provide the death penalty for murders by drug kingpins and for drug-related murders of law enforcement officers. By passing this important legislation as part of the Anti-Drug Abuse Act of 1988, Congress acknowledged that capital punishment is a needed and proper weapon in our Nation's effort to fight the drug war. This action on the part of the 100th Congress was a valuable first step.

However, we did not go far enough. Drug kingpins are currently not sub-

ject to the Federal death penalty where they themselves are not directly involved in committing murder. But their nefarious traffic in drugs causes untold deaths. The death penalty for these drug kingpins contained in the Senate crime bill sends a signal that our Nation is prepared to punish appropriately those who cause so many deaths—major drug kingpins. These drug kingpins are responsible for untold deaths and are, in a real sense, responsible for many drug-related murders which occur on our streets every day.

The bill provides that major drug traffickers—organizers, leaders, or administrators of continuing criminal enterprises—may be subject to the death penalty if the enterprise traffics in twice the amount of drugs which would qualify them for mandatory life imprisonment—that is, 300 kilograms of cocaine; 60 kilograms of heroin; or 70,000 kilograms of marijuana—or if the enterprise makes \$20 million or more in gross receipts during any 12 month period. Additionally, kingpins who, in order to obstruct justice, attempt to kill any public officer, juror, witness, or member of the family or household of such person shall be eligible for the death penalty.

The Senate bill also limits the application of the death penalty in these cases by requiring the jury to find that at least one or more additional aggravating factors exists and that such aggravating factor outweighs mitigating factors, if any are found. Specifically, the defendant must have: a previous conviction or offense for which a sentence of death or life imprisonment was authorized; or two or more prior felony convictions; or a previous felony drug conviction; or used a firearm; or sold drugs to persons under 21 years of age, near a school, or used minors in selling drugs; or mixed the drugs with a lethal adulterant.

The imposition of the death penalty is constitutional for drug kingpins—even for those who do not themselves pull the trigger and in those cases where no death can be directly attributed to them. First, Anglo-American law has a long tradition of imposing the ultimate sanction against those who pose an extremely grave risk to society, even where no death directly results. A few examples are treason, certain types of espionage, and airliner hijacking.

Second, because of the enormous magnitude of the public harm drug trafficking and related violence causes, applying the death penalty to these cases is wholly consistent with the proportionality requirement of eighth amendment's cruel and unusual punishment clause.

The eighth amendment's rule of proportionality requires that the severity of punishment be proportionate to: First, the gravity of the injury caused

by the offense and second, the moral culpability, or blameworthiness, of the offender. (See, *Tison v. Arizona*, 481 U.S. 137, 148-49 (1987); *Coker v. Georgia*, 433 U.S. 584, 598 (1977); *Gregg v. Georgia*, 428 U.S. 153, 173 (1976). The death penalty for certain cases of large scale drug trafficking meets this burden.)

In addition to the pernicious effects on the individual who takes illegal drugs, drugs relate to crime in at least three ways: First, a drug user may commit crime because of drug-induced changes in physiological functions, cognitive ability, and mood; second, a drug user may commit crime in order to obtain money to buy drugs; and third, a violent crime may occur as part of the drug business or culture. (See Goldstein, *Drugs and Violent Crime*, in "Pathways to Criminal Violence" 16, 24-36 (N. Weiner, M. Wolfgang eds., 1989)). Studies bear out these possibilities, and demonstrate a direct nexus between illegal drugs and crimes of violence. (See generally id., at 16-48.)

The connection between crime and drugs is unquestionable. For example, 57 percent of a national sample of males arrested in 1989 for homicide tested positive for illegal drugs. (National Institute of Justice, "1989 Drug Use Forecasting Annual Report 9" (June 1990)). The comparable statistics for assault, robbery, and weapons arrests were 55, 73, and 63 percent, respectively. (Ibid.)

Opponents of capital punishment may argue that *Coker v. Georgia*, 433 U.S. 584 (1976), applies to this legislation. In *Coker*, a plurality of the Supreme Court ruled that the death penalty for rape is forbidden by the eighth amendment as cruel and unusual since it was grossly disproportionate and excessive punishment. The Court defined punishment as "excessive" if it: First, makes no reasonable contribution to acceptable goals of punishment and hence has nothing more than the purposeless and needless imposition of pain and suffering; or second, is grossly disproportionate to the severity of the crime. In determining proportionality, the plurality considered three factors: First, whether the crime is morally depraved; second, the extent of the injury to the public; and third, the extent of the injury to the person. The court determined that rape did not compare with murder "in terms of moral depravity and of the injury to the person and to the public." Yet, the injury that a drug kingpin inflicts on the public is often vastly greater than that committed by a single murderer, and the moral depravity is certainly comparable. Thus, the proportionality test set forth by the plurality in *Coker* supports the conclusion that the death penalty for drug kingpins is constitutional.

Some would have the Congress focus on snippets of *Coker* that note that rape, unlike murder, does not involve

the taking of human life. Yet as Coker makes clear, the injury to the person is but one facet of the proportionality review. The injury to the public and the moral depravity of the offense must also be considered.

In *Tison v. Arizona*, 481 U.S. 137 (1987), the Supreme Court found that reckless indifference to the value of human life may be every bit as shocking to the moral sense as any specific intent to kill. The Court held "that the reckless disregard for human life implicit in knowingly engaging in criminal activities known to carry a grave risk of death represents a highly culpable mental state, a mental state that may be taken into account in making a capital sentencing judgment. * * * (481 U.S. at 157-58.) A specific intent to kill is not required in imposing a death sentence on an individual. The class of drug kingpins covered by Senate crime bill do act with reckless disregard for human life and should be subject to the death penalty.

Large scale drug traffickers threaten millions of people. They engage in this destructive behavior purely for pecuniary gain. The Supreme Court in *Gregg versus Georgia* determined that the issue of whether the defendant acted for pecuniary gain is a factor to be considered relevant in determining blameworthiness and the appropriate punishment. These cases support the argument that the death penalty is constitutional for major drug traffickers, even when they do not directly cause a death themselves.

Although the Supreme Court has not directly addressed this issue, in the context of upholding a sentence of life without parole for drug possession, a majority of the Court has recently expressed the opinion that the evils associated with drugs warranted the legislative imposition of "the second most severe penalty permitted by law." (*Harmelin v. Michigan*, 111 S. Ct. 2680 (1991) (opinion of Scalia, J., 2702) (opinion of Kennedy, J., 2705).) *Harmelin*, the defendant, was sentenced to life without parole for mere possession of 650 grams of cocaine. A plurality of the Court explained that—

Possession, use, and distribution of illegal drugs represents "one of the greatest problems affecting the health and welfare of our population." *Treasury Employees v. Von Raab*, 489 U.S. 656, 668 (1989). Petitioner's suggestion that his crime was nonviolent and victimless . . . is false to the point of absurdity. To the contrary, petitioner's crime threatened to cause grave harm to society.

Id. at 2705-06 (opinion of Kennedy, J.).

The death penalty is wholly proportional to the enormous danger drug kingpins pose to our society. As Justice Powell noted in *Rummel versus Estelle*, "A professional seller of addictive drugs may inflict greater bodily harm upon members of society than the person who commits a single assault." *Rummel*, 445 U.S. 263, 296, n. 12 (1980) (Powell, J., dissenting). I agree

with Judge Gee of the fifth circuit that whereas most killers have a discrete and limited number of victims, drug kingpins are a cancer killing people across our entire country. Writing for an en banc court, Judge Gee said:

Except in rare cases, the murderer's red hand falls on one victim only, however grim the blow; but the foul hand of the drug dealer blights life after life and, like the vampire of fable, creates others in its owner's evil image—others who create others still, across our land and down our generations, sparing not even the unborn.

Terrebonne v. Butler, 848 F.2d 500, 504 (5th Cir. 1988), cert. denied, 109 S.Ct. 1140 (1989).

The line between the activities of large-scale drug enterprises and death is unquestionable. Reports of bystander deaths due to drug-related gunfights and drive-by shootings continue. Intravenous drug use is a major source of HIV infections.

Congress can and should broaden the category of offenses for which the death penalty can be applied to include those individuals who pose the greatest threat to our Nation's health and safety—drug kingpins. The Senate has done its part—by a vote of 74 to 25. President Clinton should announce his support for this measure so that the House will pass the measure as well.

If the President does that, all of America, it seems to me, will be able to express gratitude that somebody in the White House has taken these problems seriously.

So I encourage the President to do so. It is the right thing to do. It is an appropriate degree of punishment for those who are wrecking our society and the youth of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Republican leader [Mr. DOLE].

Mr. DOLE. Mr. President, is leader's time reserved?

The ACTING PRESIDENT pro tempore. It is.

WHITEWATER HEARINGS

Mr. DOLE. Mr. President, earlier this week, independent counsel Robert Fiske weighed in, asking Congress not to hold hearings on the Whitewater affair until after he completes his investigation. Mr. Fiske cites concerns about the granting of immunity and the premature disclosure of testimony and documents.

No doubt about it, Mr. Fiske has a tough job, but he must remember that Congress has a tough job too. In fact, Congress has more than a job, it has a constitutional obligation to exercise oversight over executive branch activities. And lest we forget, Mr. President: Those of us in Congress were elected by the American people. Mr. Fiske was not. His appointment as independent counsel was never intended as an ex-

cuse for Congress to punt on its own oversight responsibilities.

In fact, when I wrote to Senator RIEGLE last December, I requested Banking Committee hearings, not the appointment of a special counsel. I urged the appointment of a special counsel only after Republican calls for hearings had been rejected. Hearings are still necessary.

Obviously, we do not want to needlessly interfere with Mr. Fiske's investigation, and that is why it is important for Congress to do what it can to address his concerns.

For starters, we can ensure that any committee looking into Whitewater not grant immunity to any witnesses. That should avoid the so-called Iran-Contra problem.

In addition, we can certainly work out whatever arrangements may be necessary to prevent the premature disclosure of testimony and documents.

Later today—in fact, at 11:30—Senator D'AMATO and others will be meeting with Mr. Fiske, and these issues, no doubt, will be discussed.

Mr. Fiske should also remember that the recently revealed behind-the-scenes meetings among White House, RTC, and Treasury officials would still be shrouded in secrecy if Banking Committee Republicans had not used the opportunity of an RTC oversight hearing to ask Whitewater-related questions. If there had been no hearing, there would have been no public disclosure of the meetings, and no subpoenas.

Mr. President, Congress has never been shy about exercising oversight, particularly when allegations of executive branch wrongdoing are involved. During the Reagan and Bush administrations, the Congressional Research Service estimates that more than 20 such hearings were held. Remember the hearings to examine the so-called irregularities in Ed Meese's 1985 financial disclosure reports? Or the investigation into the alleged misuse of a gift fund by President Reagan's Ambassador to Switzerland? Or the October Surprise hearings? These were not major stories, but, oh, we had congressional hearings. My colleagues on the other side could hardly wait for congressional hearings in those days.

And, yes, there is plenty of precedent for holding congressional oversight hearings while criminal and civil investigations are pending. The BNL and BCCI hearings come to mind. Again, that has not been that long ago, and all these things were going on and we still had hearings.

Yesterday, President Clinton unfortunately accused Republicans of practicing the politics of personal destruction, suggesting that we are trying to gin up Whitewater hysteria. I categorically reject these claims.

No matter how hard some of my colleagues on the other side of the aisle try to paint Whitewater as a Repub-

lican conspiracy, the bottom line is that Republicans are not responsible for negative editorials and press coverage in the Washington Post, the New York Times, and countless other newspapers. Nor do Republicans control Newsweek magazine, which this week ran a cover story entitled "Whitewater Torture." Much of the Whitewater torture is self-inflicted, the result of missteps, misstatements, some honest mistakes, and yes, some outright deceptions.

So, Mr. President, let us stop the finger pointing. And let us get on with the hearings. As the New York Times editorialized today,

Congress has a clear right to ask questions about Government regulation of the savings and loan mess in Arkansas and, even more urgently, about whether the recently disclosed White House meetings with bank regulators represent an attempt to obstruct justice.

That is not my quote, not from the Republican National Committee, not from any Republican, not from a Republican newspaper, but from the New York Times today.

No doubt about it, it is critical that Whitewater hearings be bipartisan, carefully structured, and conducted in a way sensitive to the concerns of the independent counsel.

This is not an impossible task, even for Congress.

I do not want to prejudge what these hearings may or may not disclose, but it is becoming increasingly clear that we need to get to the bottom of Whitewater so we can move ahead on the vital issues facing our country.

Mr. President, I ask unanimous consent that the New York Times editorial and a Washington Times editorial be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times]

HOW TO INVESTIGATE WHITEWATER

A potentially destructive battle over how best to investigate the Whitewater affair has erupted between Republicans who are pressing for Congressional hearings and the independent counsel, Robert Fiske, who is pursuing a criminal investigation.

Mr. Fiske fears that a rogue Congress could foul up his work—which it could if it plunges ahead with abandon. But Congress has a clear right to ask questions about government regulation of the savings and loan mess in Arkansas and, even more urgently, about whether the recently disclosed White House meetings with bank regulators represented an attempt to obstruct justice.

The challenge now is for both sides to figure out a way for Congress to conduct legitimate inquiries without impeding a thorough and fair criminal investigation.

The White House and many Democrats complain that Republicans are merely out to embarrass the President and Mrs. Clinton. That is surely true of some—but the public has a right to know whether the White House is abusing its power.

Mr. Fiske concedes that Republicans like Representative Jim Leach are correct to in-

sist on Congress's oversight responsibility. Even so, he fears that any hearings "would pose a severe risk" to his inquiry. That exaggerates the danger, so long as Congress refrains from granting key witnesses immunity—a problem that ultimately doomed Iran-contra prosecutions. The Republicans have already said they would not offer immunity.

Mr. Fiske is on stronger ground when he argues that Congressional hearings could lead to "tailored" testimony from witnesses who might adjust their stories after gaining access to documents or testimony before Congress. That risk, however, can be minimized if Congress agrees to delay its hearings and give Mr. Fiske time to interview the major players, especially those in the White House and the Treasury Department. In any case, the risk is not sufficient to justify asking Congress to abandon its oversight role until the end of an investigation of uncertain length.

Like most prosecutors, Mr. Fiske seeks complete control of the case. But he ignores the fact that similar Congressional hearings in the past have produced significant new information that has ended up helping prosecutors to make their case. Indeed, Mr. Leach notes, it was questioning by Senator Alfonse D'Amato of New York at a recent hearing that led to the disclosure of the White House meetings and prompted Mr. Fiske to expand his investigation to include them. So, too, Congressional Watergate hearings brought out the existence of crucial White House tapes.

There should be room for give here by both sides. Mr. Leach and Mr. D'Amato should grant Mr. Fiske a head start, probably measured in weeks. But Mr. Fiske cannot reasonably expect Congress to put off its hearings indefinitely, especially when the history of such hearings does not support his worst fears.

[From the Washington Times, Mar. 9, 1994]

NO IMMUNITY, JUST HEARINGS ON WHITEWATER

It is understandable that the Whitewater special prosecutor, Robert Fiske Jr., does not want his investigation trampled by clumsy congressional inquiries. The history of Capitol Hill's show trials is not a pretty one, with the truth often lost in the process rather than revealed. The Iran-Contra hearings are a case in point, and as Mr. Fiske argued in his letters to lawmakers Monday, that investigation proved to be a legal stumbling block that independent counsel Lawrence Walsh never was able to hurdle. Mr. Fiske has so far made a clear that he is no prosecutorial wallflower, and he should be given room to do his job. But a congressional airing of Whitewater does not have to be an impediment to the special prosecutor. Short of undesirable interference with Mr. Fiske's work, the public's need and right to know about Whitewater far outweighs any reservations the special counsel might have.

The disaster that was the Iran-Contra investigation was built out of a bundle of grants of immunity. Democrats on the Hill believed they had their chance to ruin Ronald Reagan and were so eager to bring him down that they granted immunity to almost every player in Iran-Contra. Once granted immunity, Democrats were sure they would hear from a string of witnesses who would point their fingers at the president. Instead, the actions of dubious legality turned out to have been undertaken without the president's approval. At the end of the day, all the ringleaders had confessed, conveniently

under a grant of immunity. It should be remembered that Mr. Reagan escaped prosecution because the prosecutors had nothing on him, not because he had been granted immunity.

The great flaw of the Iran-Contra hearings does not have to be repeated in Whitewater hearings. The solution: Give no grants of immunity. Without immunity, congressional investigation into Whitewater is more likely to help the special prosecutor than hinder him. Events and facts may come to light in thorough questioning on the Hill that might not have turned up in Mr. Fiske's efforts. Already the efforts of those doing independent investigative work have aided Mr. Fiske. The special prosecutor was put on to the issue of document shredding at the Rose law firm after an account of it appeared in The Washington Times. Reporters and congressmen turning up new information will not hurt Mr. Fiske's probe.

Without grants of immunity, no one guilty of wrongdoing will get an easy out. Congress can subpoena witnesses, and those who don't wish to answer the Hill's questions will not have to. They can simply invoke the Fifth Amendment's protection against self-incrimination and remain silent.

Congressional Democrats are latching onto Mr. Fiske's request as just one more excuse to avoid hearings that will gravely embarrass their party. But it becomes apparent to more of the electorate every day that it is partisan politics that has the hearing rooms silent. Democrats attacked every hint of Republican scandal with unsuppressed glee for more than a decade, always with long-winded and self-congratulatory sermons about the independent investigative role of the legislative branch. Now, they think no inquiry at all is appropriate. Democratic leaders can try to hide behind Mr. Fiske's request that they not interfere, but the hypocrisy is just too large for the fig leaf.

Mr. DOLE. Mr. President, I reserve the remainder of my leader time.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,545,813,542,657.08 as of the close of business yesterday, Tuesday, March 8. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$17,436.22.

HUMAN RIGHTS ISSUES IN CONGO

Mr. HATCH. Mr. President, I rise to speak briefly today about the human

rights situation in the Congo, where civil strife and irregularities in the recent elections have undermined the process of democratization in that country.

I believe that virtually all Members of this body support an active human rights policy abroad. During the last 20 years, the United States has made promotion of human rights a vital dimension of its foreign policy, a development supported by both parties and by four Presidents.

We have all welcomed the remarkable developments in the former Soviet bloc in recent years, but we must just as actively work for the advancement of human rights and democracy in the developing world, including Africa.

There have been hopeful human rights developments across Africa in recent years. One of those was the 1992 presidential election in Congo, which was won by Pascal Lissouba, a technocrat who formerly served as an adviser to UNESCO. Following the break-up of a coalition government in the National Assembly, Lissouba dissolved the Parliament and called for new elections. The opposition charged that the first round of the elections were fraudulent, with charges and countercharges degenerating into civil strife.

Fortunately, mediation efforts by the Organization of African Unity and the President of Gabon succeeded in preventing a full scale of civil war. However, even after the initial implementation of the so-called Libreville Accords in late October 1993, renewed violence broke out between the army and opposition militias.

As the Department of State Human Rights report states,

Following the enormous strides achieved between 1990 and 1992, the human rights situation seriously deteriorated in 1993. While citizens now legally enjoy many civil and political liberties denied them in the recent past, 1993 saw the perpetration of widespread abuses.

There have been many grievous violations of human rights by the Presidential Guard, some directed at minority ethnic groups.

Mr. President, it is imperative that the United States speak out against these abuses. If we want to continue global progress toward democracy and human rights, if we want to make democracy the wave of the future, the United States must speak out in favor of those values not only in the former Soviet Union, China, and Latin America but also in Africa. If we press for renewed democratic change in the Congo, the hopeful progress of the 1990-92 period can get back on track, benefiting not only the people of the Congo but also the democratic revolution in Africa.

HONORING THE MEMORY OF A WONDERFUL KENTUCKIAN, DR. HENRY A. CAMPBELL, JR.

Mr. McCONNELL. Mr. President, I rise today to honor the memory of Dr. Henry A. Campbell, Jr., of Kentucky who passed away recently. Dr. Campbell devoted his life to educating America's youth, spending most of the last 30 years as president of Prestonsburg Community College [PCC] in Floyd County, KY.

Dr. Campbell became president of PCC in June 1964, at a time when the total enrollment of the college was only 322 students. Mr. President, by the time he retired in June 1991, Prestonsburg Community College boasted a student population of more than 2,500. Dr. Campbell was not only responsible for increasing enrollment, he greatly expanded the curriculum as well establishing a satellite campus in Pike County which claims an enrollment of more than 800 students.

Although Dr. Campbell lived and taught in many sections of the country, he began and ended his career in rural Kentucky. He taught for the first time at Buckeye High School in Garrard County in 1949 before he moved on to positions in New Mexico, Harlan County, KY, and as the first president of Crowder College in Neosho, MO.

After returning to Kentucky in 1963 he soon was named president of PCC, he dedicated his life to the development and improvement of the college. The school now consists of a five-building educational complex which was constructed during his tenure. Among the buildings is the Campbell Science Center which was named in his honor.

Mr. President, Dr. Campbell will be remembered as an educator and administrator who gave his all every day and never lost sight of the most important rule in education—the student comes first. In fact, perhaps he described it best when he said of his legacy, "The part of life that is most rewarding is looking around in the Big Sandy and the State and seeing thousands of young people who are working at respected jobs in every walk of life—and it started right here." Indeed, Dr. Campbell launched many successful careers and contributed greatly to an improved quality of life in the region.

Mr. President, I ask my colleagues to join me in remembering this wonderful Kentuckian. The people of eastern Kentucky have suffered a tremendous loss, but fortunately the legacy of Dr. Henry A. Campbell, Jr., will live on for many years to come as a result of his tremendous work and dedication. In addition, I ask that an article from the Floyd County Times be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Floyd County Times, Feb., 23, 1994]

EDUCATION PIONEER DIES; FUNERAL IS SET (By Janice Shepherd)

Former Prestonsburg Community College President Dr. Henry A. Campbell Jr., 68, died Tuesday morning at the Veterans Medical Center in Huntington, West Virginia. He leaves behind a legacy that will be shared each time a PCC student is awarded a diploma.

Dr. Campbell was PCC's first president, taking the helm June 12, 1964. Under his tutelage, the college grew from an enrollment of 322 students in 1964 to more than 2,500 students 1991, when he retired on June 30. He expanded the curriculum and, in 1987, established a satellite campus in Pike County which now enrolls more than 800 students.

Campbell established a science building on the PCC campus and it has been named the Campbell Science Center in his honor. He also played a role in the establishment of Hazard Community College.

Born August 27, 1925 in Cosmos, Washington, he was a son of Henry A. Campbell Sr. of Clarksville, Tennessee, and the late Viva Blair Campbell. He attended elementary school in Wayland when his family moved back to their home state. The Campbells moved to Hi Hat in 1940 and Campbell graduated from Wheelwright High School in 1943.

While an engineering student at the University of Kentucky, Campbell joined the Army's Special Reserve Program on August 3, 1943. He was in the reserves for one quarter before going to Ft. Benning, Georgia, and later to Ft. Jackson, South Carolina for training.

He joined the 87th infantry and served in Europe with the 3rd Army under General George Patton. He was wounded and sent back to Camp Carson, Colorado where he was discharged on July 7, 1945.

He returned to Washington and enrolled in a university in Seattle. After two years, he transferred to UK where he graduated with a major in math. Campbell later obtained a Master's Degree in 1957 and an Education Specialist Degree in 1961 from the New Mexico State University. He was awarded his Ph.D. from the University of Texas in 1963.

Campbell began his teaching career at Buckeye High School, Garrard County, in 1949. He also taught at high schools in Harlan County and in New Mexico. In 1957, a community college was established in Alamogordo, New Mexico, and Campbell became its first director. On August 20, 1963, he accepted a post as first president of Crowder College, a two-county junior college in Neosho, Missouri.

Campbell returned to Kentucky after his wife, Patsy Ruth Justice, and son, John Charles Campbell, died in 1963. He was offered the position of dean at Alice Lloyd College but chose the challenge of developing the new college in Prestonsburg. He spent the next 27 years molding the college from its single, one-story Johnson Building to the five-structure educational complex that it is today. During an interview at his retirement, Dr. Campbell said that he felt good about the role he had played in educating Eastern Kentucky students.

"The part of life that is most rewarding is looking around in the Big Sandy and the state and seeing thousands of young people who are working at respected jobs in every walk of life—and it started right here. Had the college not been here, they would not have had this opportunity to pursue those careers," Campbell said.

Campbell was a community leader and fundraiser. A former president of the Jenny

Wiley Drama Association, he served on the boards of the East Kentucky Health Systems Agency, the Big Sandy Area Development District, Area Health Education System, Big Sandy Comprehensive Health Planning Council, and Big Sandy Tourism Committee.

Campbell was an active member of many local, state and national educational organizations, including the national Education Association and Phi Delta Kappa. Campbell was listed in Who's Who in Education and in Presidents and Deans of American Colleges and Universities.

In addition to his father, Campbell is survived by his wife, Nancy Elizabeth Belew Campbell; three daughters, Mica Lauren Rogers of Beckley, West Virginia, Jane Rebecca Brockhausen of Garden Grove, California, and Sheryl Robin Campbell at home; and four grandchildren. He is also survived by his stepbrother, Ernest Wendell Campbell, of Clarksville, Tennessee; three sisters, Terri LaMothe of Prestonsburg, Phyllis Campbell of San Diego, California, and Lu Wilgus of San Marcos, California; a stepmother, Mrs. Henry A. Campbell Sr.; and a niece, whom he helped rear, Linda Wilgus of San Diego, California.

Visitation may be made today, Friday, from 11 a.m. to 9 p.m. in Room 102, of the Johnson Building at PCC. A local funeral service will be conducted at 11 a.m. Saturday in the Pike Auditorium at PCC.

Local arrangements are under the direction of the Hall Funeral Home.

Visitation will also be held Saturday, from 5-9 p.m. at Pulaski Funeral Home in Somerset. A second funeral service will also be conducted Sunday at 1 p.m. at the funeral home in Somerset. Burial will be made in the Bethel Cemetery at Burnside.

All classes and activities at PCC on Friday and Saturday have been canceled.

In lieu of flowers, contributions may be made to the Henry A. Campbell Jr. Scholarship Fund at PCC.

HONORING MICHAEL NOVAK

Mr. DURENBERGER. Mr. President, I rise today to honor one of the most distinguished Catholic intellectuals of our generation. Michael Novak of the American Enterprise Institute was honored yesterday with the Templeton Prize for Progress in Religion—and this award was richly deserved.

Michael Novak rose to prominence as a liberal theologian in the 1960's. He sought to explain to Americans the deeper meaning of the openness to the world that was the hallmark of the Second Vatican Council. In the spirit of "aggiornamento," or renewal, that was launched by Pope John XXIII, he sought to read the signs of the times in an effort to demonstrate the relevance of the eternal truths of religion in a time of rapid change.

I believe that his more recent work—his efforts to outline a spirituality of liberal capitalism—are entirely of a piece with his earlier theological writings. Surely one of the greatest signs of the times in our century has been the achievement of American-style economic freedom in raising the material standard of living of millions of people the world over.

In important works like "The Spirit of Democratic Capitalism," Novak at-

tempted to capture the essence of this achievement. He once remarked that the wrong turn taken by much political thought in this century was to search for the "causes of poverty." Novak believes that we already have enough poverty in the world: "What we have to look for is the causes of wealth."

The career of Michael Novak has increased the spiritual and material wealth of our country—and the world. I ask my colleagues to join me in congratulating him on the important honor he has just received.

In this regard, I am delighted to point out that last year's distinguished recipient of the Templeton Prize, Charles Colson—founder of the prison fellowship ministry—is a good friend of mine. I am gratified by the recognition that the Templeton Prize confers on these outstanding individuals.

I ask unanimous consent that today's Washington Post story about Michael Novak be included in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 9, 1994]
CATHOLIC CAPITALIST NOVAK WINS \$1 MILLION RELIGION PRIZE

(By Gustav Niebuhr)

Michael Novak, a neoconservative Roman Catholic theologian best known for his spirited defense of American-style capitalism, was awarded the world's most generous honor for professional achievement yesterday, the Templeton Prize for Progress in Religion, worth about \$1 million.

Novak, 60, a scholar at the American Enterprise Institute, has sparked considerable controversy among Catholics who do not share his economic views.

In 1986, he helped guide a commission of Catholic lay people who publicly challenged the U.S. Catholic bishops after the latter criticized U.S. economic policies during the Reagan years. The bishops' pastoral letter urged greater social spending to help the poor, while the commission rejected such government intervention.

The prize Novak won was established in 1972 by Wall Street investor John Templeton to honor religious figures as the Nobel Prizes do scientists and writers. Templeton, a resident of the Bahamas, required that the prize's value exceed that of the Nobels. This year, it is worth 650,000 British pounds, about \$1 million.

Last year the prize went to former Watergate figure Charles Colson, founder of Prison Fellowship, which brings a Christian message to prison inmates. Past recipients include the Rev. Billy Graham and Mother Teresa.

A self-described liberal and Vietnam War critic in the 1960's, Novak moved right thereafter, arguing that free market capitalism provides the poor with greater economic opportunity than socialism.

The author of more than 20 books, Novak has described U.S. capitalism as a "three-sided system"—a free market restrained by the moral force of Judeo-Christian values and by demands of different political groups. His work won praise from former British prime minister Margaret Thatcher, one of this year's Templeton Prize judges.

But the Rev. Jim Hug, executive director of the Center of Concern, a nonprofit Catholic research group focusing on peace and justice issues, said: "What he fails to analyze adequately is the [free market] economic system generates a great deal of wealth and puts it in the hands of a few people who then gain control of the political system and use it to their needs."

Novak said he has gotten less criticism since the collapse of socialism in Eastern Europe. "It's surprising how many . . . people say they agree with me," he said in a telephone interview.

He said he plans to use money from the prize to endow scholarships in honor of his late parents. He said he would also use some of the money to aid a Catholic college in Bangladesh in honor of a younger brother, a priest who died in a riot in that country 30 years ago.

The Rev. J. Bryan Hehir, who has disagreed with some of Novak's economic stands, praised him for the range of his writing on religion and culture. "Michael has written on a multiplicity of topics," said Hehir, professor of religion and society at Harvard Divinity School. "I've read his theology for years and benefited from it."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL COMPETITIVENESS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:15 having arrived, the Senate will resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Kassebaum amendment No. 1477, to establish a 15-year statute of repose for those aircraft with fewer than 20 seats that are used in scheduled service.

Mr. HOLLINGS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I understand there could be some separate activity relative to the Kassebaum amendment. We are not sure at this particular point. I am told the distinguished Senator from Mississippi now has an amendment.

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. May I inquire of the Chair if it would be in order to send an amendment to the desk at this point, or do I need to seek unanimous consent to temporarily set aside another pending amendment?

The ACTING PRESIDENT pro tempore. The Chair advises the Senator from Mississippi that the amendment offered by the Senator from Kansas [Mrs. KASSEBAUM] is now the pending business of the Senate. The Senator from Mississippi can either ask that that amendment be set aside or offer his amendment to the amendment currently pending from the Senator from Kansas.

AMENDMENT NO. 1480

(Purpose: To extend certain compliance dates for pesticide safety training and labeling requirements)

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment of the Senator from Kansas [Mrs. KASSEBAUM] be laid aside for the purpose of offering this amendment, which I will now send to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment offered now by the Senator from Mississippi.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 1480.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . COMPLIANCE DATES FOR PESTICIDE SAFETY REQUIREMENTS.

(a) WORKER PROTECTION STANDARDS.—

(1) IN GENERAL.—The compliance date for the worker protection standard set forth in part 170 of subchapter E of chapter I of title 40, Code of Federal Regulations, shall be October 23, 1995.

(2) PESTICIDE SAFETY TRAINING.—Not later than April 23, 1995, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall—

(A) develop and distribute pesticide safety training materials that convey, at a minimum, the information referred to in section 170.230(c)(4) of such title; and

(B) assist the appropriate Federal, State, and tribal agencies in implementing pesticide safety training programs required under section 170 of such title.

(b) LABELING REQUIREMENTS.—

(1) ENFORCEMENT.—

(A) IN GENERAL.—During the period ending on October 23, 1995, the labeling requirements for pesticides and devices set forth in subpart K of part 156 of subchapter E of chapter I of title 40, Code of Federal Regulations, may be enforced only—

(i) in a State that has established a worker protection program with respect to pesticides and devices as of the date of enactment of this Act; and

(ii) for the purpose of enforcing a State program referred to in clause (i).

(B) EQUIVALENCY.—During the period ending on October 23, 1995, each worker protection program referred to in subparagraph (A)(i) shall be considered to meet the requirements of the worker protection standard set forth in part 170 of such subchapter. After such date, the Administrator shall reassess whether the program meets the standard.

(2) NOTIFICATION OF PURCHASERS.—Beginning on April 22, 1994, each registrant of pesticides shall provide information for point-of-sale notification to inform purchasers of pesticides that the applicable compliance date for the labeling requirements referred to in paragraph (1)(A) is October 23, 1995.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi has the floor.

Mr. COCHRAN. Mr. President, the purpose of this amendment is to carry out the intent and purpose of the underlying legislation before the Senate, to improve competitiveness and to help ensure that America's economic well-being is developed without unnecessary burden and restriction by Federal Government rules and laws. At the same time, this amendment helps the Government recognize that it has a responsibility to ensure that its actions serve the interests of our economic growth and expansion.

To that end, I send this amendment to the desk. The Senate will note that it is cosponsored by the Senator from Texas [Mrs. HUTCHISON], and the Senator from Kansas [Mrs. KASSEBAUM]. The purpose is to extend a deadline that now exists under regulations promulgated by the Environmental Protection Agency for the protection of farm workers who are handling and using pesticides in agriculture activity.

The reason I am offering this amendment is that unless Congress acts before an April 15 deadline stipulated by current EPA regulations, State departments of agriculture will be required to enforce regulations dealing with worker protection procedures. Farms, nurseries, and timberland operations throughout the United States will have to follow these regulations.

The reason the April 15 deadline is a problem is very accurately described in a letter that I received back in early September from a farmer in my home county of Hinds County, MS. The letter is signed by Mr. Randolph Smith, president of the board of directors of the Hinds County Farm Bureau and a person I have known all my life. As a matter of fact, he is a distant cousin, and I hope the Senate will not hold that against me for responding to his request for some assistance in this matter.

He basically outlines the problem in the letter as follows:

The farmers of Hinds County Farm Bureau are very concerned about some of the new regulations regarding the use of personal protective equipment and also the upcoming

rules on restricted entry intervals. These regulations are included in the new worker protection standard that was issued by the Environmental Protection Agency.

He says:

It is our belief that many of these rules are much too complicated, in some cases, and very impractical in others.

We as farmers have more exposure to ag chemicals than anyone else. Therefore, we are keenly aware of the need for caution when applying them. It is in our best interest as well as the general public's best interest to see that these chemicals are handled in a safe manner for everyone involved. That's why it is our hope that some of the rules that have been passed down to us concerning the application and use of ag chemicals can be looked at so that we can change them to be more practical.

He then goes on to describe a lot of the specifics and problems that the farmers in my county think should be addressed by the EPA. I sent this letter over to the Environmental Protection Agency for its information and asked the agency to respond to the concerns that have been raised. I also asked the EPA to indicate whether or not there would be any possibility for extending the effective date of these regulations beyond April 15, if these concerns could not be dealt with in a satisfactory manner.

I received a long letter from the EPA dated October 26, 1993. I will not take up the time of the Senate by reading it. I will put both of these letters in the RECORD for the information of Senators.

But I am going to read the last paragraph.

EPA recognizes that not all provisions of the WPS—

That is the worker protection standards.

are equally applicable across American agriculture, and, while establishing minimum requirements for worker/handler protection, has provided great flexibility in how and when that protection is to be provided. I hope this responds to your concerns. If I may be of further service, please let me know. Sincerely yours, Victor Kimm, Acting Assistant Administrator.

After receiving this letter, my concerns, and those of farmers I was seeking to help, were heightened and increased. If you read the letter, you will understand that EPA is talking about flexibility in the enforcement of these regulations. EPA officials say they are going to have flexibility in how and when these regulations are enforced. I suppose that means they will randomly select some people against whom to enforce the regulations and then let others have a grace period in which they will be free from compliance requirements under the regulations. That is the only conclusion that a fair reading of this letter allows you to form.

At this point, for the purpose of clarity of the record, Mr. President, I ask unanimous consent that a copy of both of these letters, the one to me from Mr. Randolph Smith, and the other I re-

ceived from the Environmental Protection Agency in October 1993, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HINDS COUNTY
FARM BUREAU FEDERATION,
Raymond, MS.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR HON. THAD COCHRAN: The farmers of Hinds County Farm Bureau are very concerned about some of the new regulations regarding the use of Personal Protective Equipment and also the upcoming rules on Restricted Entry Intervals. These regulations, as you know, are included in the new Worker Protection Standard that was issued by the Environmental Protection Agency. It is our belief that many of these rules are much too complicated in some cases and very impractical in others. We as farmers have more exposure to ag chemicals than anyone else; therefore, we are keenly aware of the need for caution when applying them. It is in our best interest as well as the general public's best interest to see that these chemicals are handled in a safe manner for everyone involved. That is why it is our hope that some of the rules that have been passed down to us concerning the application and use of ag chemicals can be looked at so that we can change them to be more practical.

One of the areas in which we should like to see some modification is the rules concerning the use of Personal Protective Equipment. We believe certainly, that this equipment should be available and that all workers should be trained to use it. The decision as to when and where to use this equipment should be up to the particular individual. Some of the reasons for this opinion are as follows:

1. Wearing the PPE clothing in the extreme heat that we have here in summer can be more hazardous than the actual chemicals.

2. If an employee did not wear the equipment even after he was instructed to, then would the farmer have liability?

3. Some employees may become more careless because they would feel they were fully protected with the clothing on.

Another area that we believe should be reviewed is the fact that all agricultural crops are treated the same under these guidelines. There is a considerable difference in the way that fruits and vegetables are raised as opposed to a crop such as cotton or soybeans. It is our opinion that these differences should be considered when the regulations are written. Crops that are handled by hand should be treated differently from crops that are worked completely mechanically.

Finally, the rules regarding Restricted Entry Intervals is something that we are very concerned about. This regulation mandates the placing of hazardous chemical signs at all entrances of a field for a certain period of time before and after a chemical is applied. We believe that many of the rules in this section are unnecessary. Some of the reasons are:

1. Chemicals are almost exclusively applied on private property, therefore anyone who would enter the property without the owners permission would be guilty of trespassing.

2. Employees of a farmer who applies a chemical should be aware of the timing of the application and of the restrictions of any chemicals.

3. Hazardous chemical signs posted all through the countryside will cause unnecessary alarm among the general public.

In closing we would like to thank you for all your support that you have provided to agriculture over the years. We hope that you will be able to help us in this effort to modify the rules and regulations that we are concerned with. Let us assure you that there is no one who is any more concerned with the safe application and use of agricultural chemicals than the farmer. We are the ones who are using these tools and our livelihood depends on them being used safely and effectively.

Thank you again for your help and support.

Sincerely,

RANDOLPH SMITH,
President, Hinds County Farm Bureau
Board of Directors.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, October 26, 1993.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COCHRAN: Thank you for your letter of September 15 on behalf of the Hinds County Farm Bureau Federation, expressing their concern at certain provisions of the Environmental Protection Agency's (EPA) Worker Protection Standard (WPS). This regulation was issued in August 1992, and will be fully implemented in April 1994.

The Farm Bureau is concerned about several aspects of the WPS, in particular the provisions for personal protective equipment (PPE) and field posting requirements.

With respect to PPE, the Farm Bureau rightfully recognizes the possibility that PPE worn in high heat and humidity may result in heat stress. EPA also recognizes the heat stress problems associated with protective clothing, a potential problem which is by no means confined to southern states such as Mississippi. The WPS specifically provides that employers should take appropriate precautions to prevent heat stress when using PPE. Moreover, they are required to include in training for pesticide handlers information on how to recognize the symptoms of heat stress. The Agency has prepared a guidance document discussing the recognition and management of heat stress, now in the process of being finalized. This brochure will be made widely available to the user community. Notwithstanding these provisions, however, EPA believes that PPE is an essential protection that should not be withheld, and that with proper awareness and management of heat stress conditions, PPE can generally be used without increasing risks.

The Farm Bureau also asks whether the farmer would have liability if a worker failed or refused to wear appropriate PPE. This rule creates responsibilities based upon the employer/employee relationship, and it is primarily the responsibility of the employer to ensure compliance with its provisions, including the wearing of PPE. However, enforcement officials have authority to consider the facts of the case before making a determination of whether a violation has occurred.

EPA cannot speculate whether a worker wearing PPE would become careless or ignore safety measures because the PPE gives a feeling of protection. Certainly a worker wearing appropriate PPE is better protected against the hazards of pesticide exposure than one who is not. Nonetheless PPE cannot entirely substitute for other risk reduction measures, such as restricted entry intervals. A key element to ensure that workers do not become complacent is proper

training as to the hazards of pesticides, the ability of PPE to prevent such hazards, and the limitations of PPE. In training, emphasis should be placed upon taking advantage of all of the protections (PPE, Restricted entry intervals, training, notification, decontamination) as means of reducing risk, and not placing reliance on any one in particular.

The Farm Bureau raised the point that the farming of fruits and vegetables differs significantly from that of cotton and soybeans, expressing the belief that EPA did not take these differences into account in developing the WPS. I assure you the Agency has fully considered that many crops are grown almost entirely mechanically, and has built into the WPS exceptions that minimize the burdens of the rule for such agricultural operations. The provisions of the WPS are intended for the protection of agricultural workers and pesticide handlers. If workers or pesticide handlers are never used in the production of an agricultural crop, clearly the provisions of the WPS never apply. Even where workers are used, the provisions of the WPS are based upon the potential for worker/handler exposure; where such exposure does not occur, as might be the case in cotton or soybean farming, the provisions are minimal and non-burdensome. I encourage the Farm Bureau to familiarize their members with the various exposure based exceptions of the WPS, which will relieve them of a number of its provisions based upon "no exposure."

Finally, the Farm Bureau believes that the posting of fields is unnecessary, arguing that posting would unnecessarily alarm the general public, that employees of a farm know or should be aware of the chemical applications and restrictions, and that others who enter private fields are trespassers (and presumably posting should not be required for their protection). EPA cannot agree with these arguments.

First, fields are required to be posted only for applications of pesticides that are of highest toxicity (Toxicity Category I). There will not be a vast number of posted fields because many pesticides are not in Toxicity Category I. When less toxic pesticides are used, employers may use signs or oral warnings to notify workers of pesticide applications. Posting or other notification is not required, however, if no worker will enter, work, or pass on foot within 1/4 mile of a treated area. In the case of field crops such as cotton, soybeans, wheat, and corn, which are not generally harvested by hand, it may well be that no workers would be in or near the treated areas.

Moreover, the WPS is intended for the protection of workers and not trespassers or the general public. Therefore, fields are required to be posted at usual points of worker entry only. Signs would not be expected to be necessary along public roads unless workers routinely use the road to gain access to a treated field, and then only at the field entrance. If there are no usual points of worker entry, signs would normally be placed in the corners of treated fields. The signs will neither be so numerous nor so directed that they should create public alarm by their presence. To the extent that the public is informed of pesticide-treated fields by warning signs, they benefit indirectly.

Second, one of the principal reasons for the WPS is that, contrary to the Farm Bureau's statement, workers and handlers generally are not informed about pesticide hazards, trained in safety measures, or informed of pesticide applications. On farms with small

numbers of workers or permanent workers (such as may be the case for cotton, soybeans, and other large mechanized crop operations), it may be true that the workers are as well informed as the Farm Bureau assets. If this is the case, the WPS will reinforce those notification and training practices that already exist. However, the vast majority of workers are migrant, seasonal or contract workers who are not aware or informed of which pesticides have been used, or of the hazards they pose. For these workers, the WPS is of paramount importance to ensure that employers provide such basic information.

EPA recognizes that not all provisions of the WPS are equally applicable across American agriculture, and, while establishing minimum requirements for worker/handler protection, has provided great flexibility in how and when that protection is to be provided. I hope this responds to your concerns. If I may be of further service, please let me know.

Sincerely yours,

VICTOR J. KIMM,
Acting Assistant Administrator.

Mr. COCHRAN. I do not want to delay the Senate too long, but I do want to put in perspective what the problem is and why we are asking in March 1994 to suspend the effective date of these enforcement regulations.

We have come a long way since we first understood the complexity of the issues involved. The dangers include added costs to American agriculture, compliance expenses, uncertainties about whether some of the regulations will be enforced or ignored, and the inconsistencies among different kinds of agriculture pursuits regarding the use of chemicals. There are also concerns over whether farmers will have to wear protective clothing when applying chemicals. If so, which ones will and which ones will not have to wear this clothing.

These are questions that concern American agriculture. I think what I will have to say over the next few minutes will illustrate that point.

Following some additional discussions and meetings at EPA, on December 13 a letter was written by me and Senator BENNETT JOHNSTON of Louisiana, which was signed by other Senators, to the President in regard to the regulations that were about to be implemented. The letter was written in connection with the fiscal year 1994 appropriations bill that was being considered by the Senate. There was report language we had suggested to include to help EPA understand the problems. What we basically said in this letter is as follows:

While we strongly support a program which provides a high level of protection for farm workers from pesticides, a substantial concern has been raised over the complexity of these requirements and the potential for confusion or uncertainty by State regulatory agencies and agriculture users. We are concerned with reports that EPA is seriously behind schedule in developing training materials, educational outreach programs, and implementation guidance to States on how to regulate the program.

I will ask at this point, Mr. President, that this December 13 letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, December 13, 1993.

THE PRESIDENT,

The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing you with regard to S.Rpt. 103-137, which accompanies H.R. 2491, the fiscal year 1994 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies. The report language refers to the implementation of the Environment Protection Agency's (EPA) Worker Protection Standard (WPS) for Agricultural Pesticides. While we strongly support a program which provides a high level of protection for farmworkers from pesticides, a substantial concern has been raised over the complexity of these requirements and the potential for confusion or uncertainty by state regulatory agencies and agricultural users. We are concerned with reports that EPA is seriously behind schedule in developing training materials, education outreach programs, and implementation guidance to states on how to regulate the program.

The Senate report language suggests that the "EPA review their implementation schedule of these standards to permit adequate educational and outreach activities." The National Association of State Departments of Agriculture (NASDA), the association representing the state agencies, which in most cases, will be responsible for the enforcement of the program, has proposed a solution to EPA which tracks the Senate language. That proposal is to delay the enforcement until October 23, 1995. In the interim, the state agencies have suggested that an increased level of education and training should occur in order to prepare the regulated community for the new pesticide labels which would be on the market October 23.

In a recent meeting between EPA and NASDA, six "ideal goals" of the program were agreed to by both parties: to protect farmworkers; to provide effective training of employers prior to the program implementation (worker training after implementation); to obtain effective and timely label changes; to develop quality compliance programs in all states; to create an environment for acceptance of the program in "the field" (by farmers); and to resolve the major issues of concern still surrounding the program (e.g., reentry interval, personal protective equipment, notification, etc.). It is our opinion that these goals cannot be met if implementation occurs as scheduled on April 21, 1994. Moreover, we are told EPA has failed to provide a host of educational materials to the regulated community, and has failed to provide the state regulators with the information and answers necessary to regulate the program. Also, we understand much of this material was due prior to April 21, 1993, and either has yet to be provided or was provided at inadequate levels.

In light of the complexity of the regulation and serious deficiencies in the program implementation preparation, we strongly encourage you to delay the labeling requirements until October 23, 1995. This will allow EPA, the states, farmworker representatives and farmers to discuss the areas of concern and develop the necessary material for proper implementation. Only then will a program be ready to provide the protection farmworkers deserve.

Thank you for your consideration.

Sincerely,

J. BENNETT JOHNSTON.
CHUCK GRASSLEY.
MITCH MCCONNELL.
THAD COCHRAN.

Mr. COCHRAN. It is important to understand this issue because we are now describing a State regulatory responsibility. Even though it is a Federal regulation that EPA has promulgated and will enforce, unless we act, on April 15, the States are under an obligation under the regulations—and I suppose the law, even though the law is very vague about this—to enforce the regulations.

This means that State governments all over the country will have to train staff to understand the EPA regulations, when they apply, when they do not apply, and what all the materials mean. As a result of these regulations, they will have the responsibility to impose fines and penalties and to ensure farm workers, farmers, nurserymen, and timberland owners who grow pine trees and other kinds of timber in production agriculture environments comply with these very detailed and very technical regulations.

We did not receive any kind of satisfactory response to our letter of December 13. Because of this lack of response, 10 other Senators raised this same issue in a letter to the President dated February 16 of this year. It was either drafted by Senator HEFLIN of Alabama or Senator FAIRCLOTH of North Carolina. Their two names appear as the first two signatures. By sending the letter to the President, the Senators wanted to ensure that somebody in the administration understand the seriousness of the problem that Senator JOHNSTON and I had raised in December. I am going to read another highlight of this letter as an example of the kind of anxiety that was being manifested by the Senate as recently as February 16.

This is not a debate about the regulations themselves.

I will read from the letter.

As you know, the goals of the program have been agreed to by all participants. The EPA and the States wish to (1) protect farm workers; (2) provide effective training of employers prior to program implementation; (3) obtain effective and timely label changes; (4) develop quality compliance programs in all States; (5) create an environment for acceptance of the program locally; (6) and to resolve the major issues of concern still surrounding the program.

It is our opinion, and that of many of the States, that these goals cannot be met if implementation occurs as is scheduled on April 21, 1994.

And then in the last paragraph the Senators say this.

In light of the complexity of the regulation and serious deficiencies in the program implementation preparation, we strongly encourage you to delay enforcement of the program. This will allow the EPA, the States, farm worker representatives, and farmers to

discuss the areas of concern and develop the necessary material for proper implementation. Only then will a program be effective in providing protection to farm workers.

I ask unanimous consent, Mr. President, that this letter of February 16 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
February 16, 1994.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to you today in regard to the Environmental Protection Agency's (EPA) implementation of the Worker Protection Standards (WPS) for agricultural pesticides.

While we all understand the importance of a program which protects farm workers from pesticides, substantial concern has been raised nationwide over the complexity of these requirements and the potential for confusion by state regulatory agencies and agricultural users, including farm workers themselves.

Members of the National Association of State Departments of Agriculture (NASDA), the association representing the state agencies, will be responsible for the enforcement of this program, and NASDA has proposed a feasible solution to potential disaster. We would request that you postpone enforcement of new WPS standards until their concerns have been addressed.

This is not a debate about the regulations themselves. As you know, the goals of the program have been agreed to by all participants. The EPA and the states wish to (1) protect farm workers; (2) provide effective training of employers prior to program implementation; (3) obtain effective and timely label changes; (4) develop quality compliance programs in all states; (5) create an environment for acceptance of the program locally; (6) and to resolve the major issues of concern still surrounding the program. It is our opinion, and that of many of the states, that these goals cannot be met if implementation occurs as is scheduled, on April 21, 1994.

In fact, although the EPA and state Departments of Agriculture have been working together on this project, the EPA has continued to ignore the concerns of state pesticide regulators regarding the complexity of the new standards, and the logistical problems that will result from implementation on April 21, 1994. While ongoing dialogue between all effected parties is now progressing, it will be impossible to resolve the outstanding issues and provide the educational and training material needed for proper implementation by April 21.

In light of the complexity of the regulation and serious deficiencies in the program implementation preparation, we strongly encourage you to delay the enforcement of the program. This will allow the EPA, the states, farm worker representatives and farmers to discuss the areas of concern and develop the necessary material for proper implementation. Only then will a program be effective in providing protection to farm workers.

Thank you for your time and consideration.

Sincerely,

Lauch Faircloth, Larry E. Craig, Dirk Kempthorne, Dave Duenberger, Kay Bailey Hutchison, Howell Heflin, Jesse Helms, Pete V. Domenici, Larry Pressler, Strom Thurmond.

Mr. COCHRAN. As I mentioned, the States are charged with enforcing these new regulations.

The people at the local level in the State departments of agriculture will be charged with implementing these regulations on a day to day basis. Ironically, this group itself opposes these regulations.

I have a letter that I will put in the RECORD to illustrate the seriousness of this situation, and how it is viewed by the States and those who will be called upon to carry out these things on a daily basis.

At their annual mid-year meeting the National Association of State Departments of Agriculture, representing all 50 States and four territories, unanimously approved a resolution asking the administration to delay enforcement implementation of the Environmental Protection Agency's new Worker Protection Standard for agricultural pesticides. They asked that this be delayed until October 23, 1995.

The details of their concerns are expressed very well in a letter dated February 27, which has been signed by almost all of the members of this association who were attending this meeting. Over 40 state commissioners of agriculture, or whatever other title they have, signed this letter. It very clearly asks that this be considered a matter—I will use their phrase—"of utmost urgency" that the administration act to delay the enforcement of these standards.

It says:

We, as the heads of the State-led pesticide agencies, believe it is time for EPA to listen to our concerns and act in a responsible manner.

Mr. President, I ask unanimous consent that the February 27 letter that I just referred to be printed in its entirety in the RECORD, and showing the signatures of all of those who signed it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
STATE DEPARTMENTS OF AGRICULTURE,
February 27, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: At its annual mid-year meeting, the National Association of State Departments of Agriculture (NASDA), representing all fifty states and four territories (American Samoa, Guam, Puerto Rico, and the Virgin Islands), unanimously approved a resolution once again asking you to delay enforcement implementation of the Environmental Protection Agency's (EPA) new Worker Protection Standard (WPS) for Agricultural Pesticides until October 23, 1995. In the interim, NASDA believes that increased education and training efforts should be conducted by the states with material just now becoming available from EPA (though quantities are still inadequate). In almost every case, the state departments of agriculture will be required to implement this new standard on April 21, 1994 under a cooperative agreement with EPA and con-

sistent with state laws requiring us to enforce the label.

Mr. President, a major train wreck is about to occur. It is simply impossible for us as state regulators and farmers to implement this program nationwide as currently designed and scheduled. We have been working with EPA, USDA, Members of Congress, farmers, and farmworkers attempting to fix the serious problems with the program and to educate the regulated community. Our efforts, as well as those of the agricultural production community, have been rebuffed by EPA and have failed to resolve this serious problem. A combination of the lateness of EPA in providing educational material—almost ten months late by their own schedule, and now arriving to the states after farmers have already entered the field for this planting season—and parts of the regulation which will be impossible to implement have created a situation primed for disaster.

EPA has suggested that enforcement of the standard should be "flexible" in the beginning stages of the program. We do not believe that it is in the best interest of pesticide regulation to tell farmers to ignore the law—the label is the law. Beyond that, we as regulators cannot ignore the label once it is on the product. It is the law, so we must enforce the standard on April 21, 1994.

Dr. Lynn Goldman, Assistant EPA Administrator for Prevention, Pesticides and Toxic Substances, addressed our meeting. We were seriously disappointed with her remarks on WPS and continued lack of regard for our concerns as state regulators. EPA has consistently failed to address our problems in a genuine way even though we have come to the table in good faith.

Mr. President, it is of the utmost urgency that you act to delay the enforcement of the standard to October 23, 1995. We as the heads of the state lead pesticide agencies believe it is time for EPA to listen to our concerns and act in a responsible manner.

Sincerely,

Bob Odom, Louisiana; Gus R. Douglass, West Virginia; W. Greg Nelson, Idaho; Don Rolston, Wyoming; Phillip A. Fishburn, Kansas; L.H. Ivy, Tennessee; Thomas A. Kourlis, Colorado; Bernard W. Shaw, Maine; Keith Kelly, Arizona; Henry J. Voss, California; Rick Perry, Texas; Clinton V. Turner, Virginia; Arthur R. Brown, Jr., New Jersey; Richard T. McGuire, New York; Fred L. Dailey, Ohio; Yukio Kitagawa, Hawaii; Bruce Andrews, Oregon; David L. Tompkins, South Carolina; Neftali Soto-Santiago, Puerto Rico; James A. Graham, North Carolina; Elton Redalen, Minnesota; Charles W. Anderson, Oklahoma; Alan T. Tracy, Wisconsin; Rebecca Doyle, Illinois; John L. Saunders, Missouri; Leo A. Giacometto, Montana; A.W. Todd, Alabama; John W. Cramer, Alaska; Frank A. DuBois, New Mexico; Thomas W. Ballow, Nevada; Gerald King, Arkansas; Boyd E. Wolff, Pennsylvania; James R. Moseley, Indiana; Dale M. Cochran, Iowa; Ed Logsdon, Kentucky; Jay C. Swisher, South Dakota; John F. Tarburton, Delaware; Stephen H. Taylor, New Hampshire; Thomas Irvin, Georgia; Gary G. Peterson, Utah; Larry E. Sitzman, Nebraska; Jim Buck Ross, Mississippi.

Mr. COCHRAN. Mr. President, I hope that Senators realize the meetings we've held have been at the highest levels in the administration, involving Cabinet level officials who are trying

to resolve some of these concerns and issues. But we have not really gotten anywhere.

The February 27 letter was written as a policy statement resulting from all of these discussions. It was obviously written in an effort to assuage concerns and tell everyone that everything was going to be all right. It emphasized that nobody was going to get in trouble; there would be a lot of flexibility; there would be a grace period while everybody learned what the words meant in all of these regulations; and, there would only be occasional enforcements, with nobody new being targeted or exempt.

So, rather than contribute to a feeling of comfort, it increased concerns.

This policy statement is dated February 22. I have a copy here under the title of "Enforcement of the Agricultural Worker Protection Standard Under FIFRA." It is a three-page statement. I am going to ask, at this point, Mr. President, that a copy of the policy statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Policy statement from the U.S. Environmental Protection Agency, Washington, DC, Feb. 22, 1994]

ENFORCEMENT OF THE AGRICULTURAL WORKER PROTECTION STANDARD UNDER FIFRA

The Agency has received a number of questions regarding delaying enforcement of the Federal Agricultural Worker Protection Standard (40 CFR part 170 and related labeling regulations at 40 CFR part 156). We have never proposed delaying enforcement of this rule; to do so would seriously undermine the protections afforded pesticide handlers and agricultural workers, the very people the rule was designed to protect.

We are committed to using the flexibilities that we do have, in terms of guidance and implementation, to reach the underlying goals of the revised Worker Protection Standard while addressing the concerns. We have clearly demonstrated our willingness to listen to concerns and to bring all parties together to find solutions.

On enforcement of the Standard, EPA's position has been one of advocating phased-in, risk-based targeting of inspectional activities. We have also consistently supported state flexibility to address state priorities through State Implementation Plans (SIPs) and Enforcement Response Policies (ERPs) reflecting the nature of violations and their risk. Given the flexibility provided, the importance of the safety provisions of the revised rule and the amount of work completed and underway with the states and regulated parties, we do not believe that it is appropriate or necessary to delay the enforcement of the revised rule.

We would like to describe specifically the tenor of the enforcement guidance currently being used by the states for this rule, and to point out areas where the states are encouraged to set priorities and target activities based on state-specific needs.

In planning for the implementation of the WPS, the Agency prepared guidance on the national approach for compliance monitoring and enforcement and shared the guidance, in draft form, with the states so that they could provide their perspective and

comments before the national guidance was finalized. The Agency received significant input from the states and took serious steps to incorporate the majority of the states' comments into the national guidance. This guidance includes a National Compliance Monitoring Strategy, a WPS component in the National Cooperative Agreement Guidance, assistance to the states in their development of State Implementation Plans, worker protection inspection guidance, and worker protection inspector training which is being piloted this week with state representatives at the National Enforcement Training Institute (NETI).

The National Compliance Monitoring Strategy for WPS recommends that the states strike a balance between activities used to prevent violations from occurring in the first place (i.e. guidance, training, outreach and compliance assistance) and activities used to correct and deter violations (i.e. inspections, and enforcement actions). The Strategy and the other guidance issued by the Agency recommend that the states focus on outreach and compliance assistance prior to the enforceable dates of the rule. Once the effective dates of the rule have passed, EPA encourages the states to target their inspections based on: (1) the phased-in compliance dates associated with different components of the rule; and (2) factors associated with the risk posed at different inspection sites, including information on product toxicity, crops grown, harvest methods used at specific sites, worker exposure, historical problems with products, and compliance history of sites. Enforcement priorities for the initial compliance dates focus on pesticide product label compliance.

Our inspection guidance recognizes that many states already have an inspection targeting scheme in place, and therefore recommends "... that states and regional offices: incorporate worker protection specific factors into their schemes based on available information, and tailor targeting schemes to meet particular needs and local concerns." EPA provided a risk-based inspection targeting approach to the states simply as an example of the type of approach we recommend be developed on a state-by-state basis. Our guidance goes on to state that compliance assistance can still be provided following the completion of both routine and targeted inspections in order to inform the regulated community of the WPS provisions, as well as to clarify requirements. People need to understand what is expected of them, and we will continue to emphasize communication and training for the next few years.

With regard to enforcement actions themselves as a result of violations identified during inspections, many first time FIFRA violations by individuals such as farmers who are not certified commercial applicators may receive a notice of warning for their first violation. The Agency's FIFRA Enforcement Response Policy incorporates the statutory minimum penalties and adjusts any penalty for violations based on risk and other factors such as whether the violator has a history of violations. Each state may either adopt the Federal ERP or, more commonly, adjust its penalties to state law. Each new regulation, such as the Worker Protection Standard, offers a state the opportunity to adjust its ERP to new provisions. States currently have written Enforcement Response Policies (ERPs) reflecting the appropriate penalties for violations of individual state law. We have indicated to the Regions that states should be following their own ERPs for violations of the WPS.

Beyond the guidance discussed above, under the state Enforcement Cooperative Agreements, the states were asked to develop State Implementation Plans which address: 1) outreach and communication; 2) training; 3) coordination with other state and Federal agencies; and 4) state-specific compliance monitoring strategy based on the National Strategy. States submitted these SIPs to the Regions with their enforcement priorities articulated. Regions have been working with the states to implement their SIPs. The FY 95 State Cooperative Agreement Guidance will request states to continue to update their SIPs. Since FY 90, a major component of the Cooperative Enforcement Agreement program has been to provide funds for the development of a program for enforcement of WPS. The Agency received earmarked funds from Congress for each of those fiscal years to award to the states and tribes for implementation planning of the WPS. We should note that the State Enforcement Cooperative Agreements are negotiated between the regions and states annually and revised to reflect changing priorities at both the state and National level.

We fully intend to go forward with all of the training, education, compliance assistance and flexible focused enforcement activities planned for the Worker Protection Standard. We continue to be committed to working with all interested parties in ensuring responsible and reasonable implementation of this important regulation.

Mr. COCHRAN. Mr. President, I will read the last paragraph again to show you that we have not come very far since that first exchange of correspondence that I had with EPA back in September of last year. Here is the last paragraph:

We fully intend to go forward with all of the training, education, compliance assistance and flexible—

Flexible.

focused enforcement activities planned for the Worker Protection Standard. We continue to be committed to working with all interested parties in ensuring responsible and reasonable implementation of this important regulation.

Everything in there sounds pretty good unless you stop to think about this phrase: "*** flexible focused enforcement activities." Nobody knows what that means. After all of these months trying to understand the EPA's intentions, and whether there would be a period for training and developing equipment designed to meet the regulations that are being implemented, farmers and agriculture agencies around the country are still perplexed. It seems to me, Mr. President, and those who have joined in writing these letters, that Senators ought to cosponsor this amendment and delay the enforcement of these regulations for a period of time within which we can do these things that EPA says are necessary.

I am going to again read what we want to have done. It is in the last paragraph of this policy statement:

*** training, education, compliance assistance.

That is what we need before the regulations are enforced. What they are

saying is we are going to begin enforcing the regulations in a "flexibly, focused" manner—whatever that is. And while we are doing that, we are going to proceed with "training, education, and compliance assistance."

The whole point is that for almost 2 years EPA has had an opportunity to do those things: "training, education, and compliance assistance." EPA officials could have held workshops around the States, assisted people who will have the job of day-to-day enforcement, and explain to farmers what the phrases mean.

For example, you are supposed to wear full protective clothing if you are a farm worker and you are applying a pesticide. Think about this. You are a crop duster in Mississippi in July. Just think what all of this means in practical, everyday terms and how people deal with these things out in the real world. You are going to have a crop duster look like he is going on a space ship to the Moon.

Maybe that is what EPA is going to require. But if you read what the protective clothing requirements are for pesticide applicators, you could reach that conclusion without stretching your imagination much at all.

I do not know what effect it will have on people who apply pesticides from the air in the Mississippi Delta or throughout the country. But it is bound to have some new requirement. These are persons who handle and apply pesticides. Here is a whole list of things that they are going to have to do beginning in April of this year.

It seems to me, Mr. President, that this requires some action by the Congress that says, in effect, "Hey, wait a minute, let's don't get the cart before the horse. Let's don't start fining people and imposing penalties on folks before they know how to comply with the regulations."

That is the whole point of this. Those of us who have been raising these concerns and trying to have meetings and iron these issues out are not against protecting farmers. But we think they have a right to be treated fairly and to be put on notice and have an opportunity to understand the rules. That is at the core of our system of justice and it ought to be at the core and at the heart of the way Government treats its citizens.

Here we are talking about improving competitiveness and our economic ability to compete as a Nation. But we are going to put on the necks and backs of American agriculture some of the most potentially costly and disruptive requirements and regulations that we have ever seen. And agriculture has had its fair share of burdensome requirements and regulations.

I am not saying we do not need to be careful. That is not the point. People need to be educated, and they need to be protected.

But if we turn loose an agency of the Federal Government to direct State departments of agriculture to enforce regulations and impose sanctions on farmers, agriculture producers, nursery people and folks who grow pine trees, we need to make sure that they fully understand what the consequences of all of these regulations will be, how they are going to be enforced, and how they should comply.

The other day, my friend and our distinguished Secretary of Agriculture, Mike Espy had an opportunity to talk to an agriculture group meeting in New Orleans. This issue came up at the meeting, and he discussed it, and said he would try to get an extension of this deadline.

The whole thing is that we are at the point where the deadline is almost here—April 15, almost a month from now. This will become a fact of life for agriculture throughout this Nation, unless the Congress acts or unless the administration changes its mind. But they keep saying they are not going to do anything.

This policy statement which I just put in the RECORD, and other responses that we have had, indicate that they are not going to do anything. Here are some newspaper articles, in addition to the one I mentioned about Secretary Espy's visit to New Orleans and to Mississippi. Here is one in the Farm Bureau News, which also brings everybody up to date, a February article, and then one as recently as March 7, where the Farm Bureau brought this matter to the attention of President Clinton himself at its meeting in Washington.

According to reports, they do not expect to delay implementation of these standards, and they expect States to crack down on violators.

I ask unanimous consent that these newspaper articles from the Farm Bureau News be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Farm Bureau News, Feb. 7, 1994]

AG OFFICIALS SEEK DELAY IN REGS

Farm Bureau and other agricultural groups are urging a delay in implementation of the Environmental Protection Agency's farm worker pesticide protection regulations, saying more time is needed for education and training.

The new worker protection standard is scheduled to be implemented this year on April 21. Farm Bureau and the National Association of State Departments of Agriculture (NASDA) have asked EPA to delay implementation until Oct. 23, 1995.

The state agricultural officials and other groups say they are committed to protecting farm workers, but that the program, as currently developed, does not achieve that goal. They say EPA has failed to provide information, educational materials and training in order for the agricultural community to comply with the new rules.

A large portion of the material either has yet to be provided or has been provided at inadequate levels, they say.

"Unfortunately it appears EPA is more committed to its arbitrary date of April 21, 1994, than it is to protecting farm workers and ensuring the education of the agricultural community," said a letter from NASDA to President Clinton, urging him to resolve the issue.

The new regulations expand the scope of protection standards to include not only field workers performing hand labor operations, but also forestry, nursery and greenhouse workers and pesticide handlers. The rules apply to all operations that hire one or more workers.

The agriculture industry is not asking that EPA abandon its regulatory scheme, said Libby Whitley, an American Farm Bureau Federation governmental relations director. She said farmers—who will bear the brunt of these regulations—are prepared to comply, but need extensive training.

A delay in implementation to October 1995 would provide a more realistic timeframe for the agricultural community to comply with the complex new regulations, she said.

[From the Delta Farm Press, Feb. 11, 1994]

WANTS DELAY ON IMPLEMENTATION: ESPY VOWS FIGHT ON WPS DATE

(By Forest Laws)

Agriculture Secretary Mike Espy says he will seek postponement of the April 15 deadline for full implementation of the new Worker Protection Standards.

Although EPA officials have indicated on several occasions recently that there will be no delays in the April 15 effective date, Espy said he will discuss the issue with other cabinet officials to try to buy more time for farmers to learn how to cope with the complicated standards.

"I am sensitive to their (farmers') concerns, particularly with something as important as this," Espy said during a press conference at the National Cotton Council's annual meeting in New Orleans.

The secretary said he wants to talk to Labor Secretary Robert Reich and EPA Administrator Carol Browner about "easing in" WPS regulations that require extensive worker training and use of personal protective equipment for some agricultural chemicals.

"In the South, it doesn't make much sense, in some cases, to mandate the heavy protective clothing," he said. "As desirable as the intent may be, down here it gets hot, 100 degrees plus. The health effects may be more adverse from requiring that level of protective clothing than from the pesticide itself."

Espy said USDA is not the primary agency for implementing the WPS regulations. "But whenever agriculture is discussed, we have said we are going to be there."

That is the tack Espy took in December when he was able to keep agriculture's foot in the door on the reformulated gasoline issue—a door the petroleum industry had attempted to close.

Espy, WHO REPORTS have said was at home sick at the time, came to his office and arranged to meet with EPA officials on the eve of the announcement of their new reformulated gasoline policy. The result: Ethanol could account for 30 percent of that market in the years ahead.

In his speech to Cotton Council delegates, Espy said he had promised then President-elect Clinton that he would position USDA for the future, that he would make it more farmer friendly and that he would help to foster a "different attitude" within the department bureaucracy.

"I said that we would create a different climate, that we would move USDA from being

just a Department of Agriculture to being a Department for Agriculture," he noted. "And we're doing that—we're changing USDA from top to bottom."

As part of the streamlining or reinvention of government that is underway, Espy said USDA will reduce itself from 43 agencies to 30. He is proposing that an "early buyout" program be offered to 8,500 full-time employees.

The proposal was scheduled for mark-up in a House Agriculture subcommittee on Feb. 8, and Espy said he has received assurances from Senate Agriculture Committee leaders that they would begin work on the proposal soon after. The legislation could be enacted by March, he said.

Following passage, USDA will begin the process of closing approximately 1,300 field offices nationwide and consolidating many of its functions into "one-stop" service centers.

"We're trying to save you money; we're trying to become more service oriented and less acronym-oriented," he said. "It's all about being farmer friendly, streamlined, consolidated, doing what we promised."

Espy said he was pleased with the way USDA worked with the council on the 1994 acreage reduction program (ARP) requirement.

"At the time we announced it in November, the preliminary 17.5 percent ARP for upland cotton made sense in terms of projected U.S. supply and demand balance and the requirements of the law," he said.

"But the final ARP that we announced earlier this month is 11 percent, and it's based on lower production estimates for the 1993 crop and improved export prospects stemming from reduced foreign production. Because we reduced the ARP, U.S. producers will benefit from the better export prospects and that means higher farm income."

Espy pledged to continue to fight for farmers on a variety of fronts, citing such issues as wetlands delineation, endangered species, reauthorization of the clean water act, and pesticide policy debates.

"This administration inherited a set of pesticide laws and regulations that don't work," he said. "We must work to harmonize often contradictory attitudes. Consumers demand constant assurances that our food supply is safe. They have trepidations about the harmful effects of pesticides."

"Producers, on the other hand, also demand constant assurances the regulatory system will give them the tools they need to raise their crops. And so we must work with both sets of attitudes to harmonize them."

The former congressman from Mississippi also said he wanted to publicly thank council staff member Bill Gillon for his assistance during confirmation hearings last winter.

Gillon, general counsel for the NCC, was detailed to Espy to brief him on USDA policy issues and accompany him during his round of visits with members of the Senate Agriculture Committee prior to the hearings.

[From the Farm Bureau News, Mar. 7, 1994]
FB ENCOURAGES CLINTON TO DELAY WORKER RULES

A delay in implementing new farm worker pesticide protection regulations is needed to give the agricultural industry adequate time to comply, Farm Bureau told President Clinton last week.

In a letter, American Farm Bureau Federation President Dean Kleckner urged Clinton to push back the enforcement date of the Environmental Protection Agency's regulations to Oct. 23, 1995. The current schedule calls for enforcement to begin this April 15.

The rules would require, among other things, that farm workers who handle pesticides wear protective clothing, be informed about the chemicals they handle and be prohibited from returning to fields too soon after chemicals are applied.

Kleckner said Farm Bureau is not asking EPA to abandon the new regulations, but rather to provide more time, education and training so state regulatory agencies and farmers can comply.

"These regulations are precedent-setting," Kleckner said. "They mandate vast new responsibilities and costs for farmers and ranchers. They create significant new liabilities both for pesticide users and manufacturers. Further, they are a sizable new unfunded federal mandate for state enforcement agencies."

"Farmers, who will bear the brunt of the regulations, will comply," Kleckner said. "To do so, however, will require extensive education and employer compliance training."

EPA has been slow to distribute training materials to states, and has not yet decided whether to implement a worker training certification program, he said.

"EPA has stated it believes that compliance will come about only through a trained work force," he said. "If it truly believes this, then the training activities must be focused at the basic employment level—on the farm."

State agriculture departments are strongly seeking the delay, citing the potential cost of enforcing the rules and inadequate preparation time. In addition, members of Congress, farm groups, state regulators, and farm worker groups and unions have asked EPA to delay implementation of the new standards.

Reps. Bill Emerson (R-Mo.) and John Boehner (R-Ohio) filed legislation last week asking Congress to delay enforcement of the rules to Oct. 23, 1995. They are concerned about the heavy financial burdens that could be placed on states and agribusinesses.

According to news reports, EPA assistant administrator Lynn Goldman said information on the rules is being circulated to farmers and states. She said the agency would not expect states to immediately crack down on violators.

Mr. COCHRAN. Mr. President, I hope the Senate will grant some relief in this situation and grant our request, which this amendment would do, to extend the deadline for this regulation.

Mr. FORD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, let me compliment my friend from Mississippi for this amendment. My farmers are very concerned, and they have told me of their concern. They do not have time to do the training and get ready for the requirements and the regulations, and they have never seen Government be flexible when a regulation is in place and when they are in jeopardy. They are very concerned, and I compliment the Senator on his position.

But, Mr. President, may I make a point here. It may be that under the circumstances, this amendment may never see the light of day. I feel sorry for the chairman of the Commerce

Committee, who is leading a fight for a bill that has been passed through the Senate unanimously at least twice. It came out of the Commerce Committee unanimously, and now we see all kinds of nongermane amendments being put on this legislation. They keep going on and on and on.

I think it is time we step back and begin to look at how we are operating legislatively here in the Senate. It may be that at some point we would just go ahead and let everybody have their say for a few minutes and move to table, and we will take these potential amendments off the bills one at a time, if necessary. But I think we are making this bill a Christmas tree, and that is very unfortunate.

I know, and others will say, "This is the only way I can get it up; I could not get it up any other way." I understand that part. But it does jeopardize the operation of the Senate to get to other bills that are important, and I hope that we will be able, through the leadership, to try to work out something, not only to accommodate those who have legislation that is necessary, but also to accommodate those that come to the Senate floor with a piece of legislation that comes out of committee unanimously, and you talk for a week on it, and you never get to the guts of the legislation that is brought out of the committee.

So I would like to put my colleagues on notice that I am going to be giving serious consideration to trying to see if there is something that cannot be worked out where we do not find ourselves in the position of getting a "Christmas tree" every time we have a piece of legislation up.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I would like to join in complimenting my colleague from Mississippi for introducing this amendment.

Three weeks ago, I held a farm advisory meeting in South Dakota. The meeting was held on a farm in Hamlin County near the small town of Hazel, SD. The meeting was held on a Friday night and well over 40 farmers, ranchers, and small businessmen were in attendance. Some farmers drove over 100 miles to attend.

The meeting was held in the basement of the home of Donald Christman. I hold several of these kinds of listening meetings. It is one of those times when a Senator gets home and listens directly to constituents at the grass-roots level. This direct input lets me know exactly what is on the minds of farmers and ranchers in South Dakota.

One of the first things they raised with me was a concern about the Environmental Protection Agency's regulations on worker protection standards.

The most startling fact was that only one or two of the farmers in attendance were aware that the new regulations would become effective on April 15, 1994.

These farmers wondered how they could possibly comply with these regulations if they had not been told what they will have to do. Many wondered how the regulations came about in the first place. Now that was an excellent point.

I explained to them: "Well, Congress did not do this. This was the Government bureaucracy." They asked, "Who do we talk to? You are our Senator. We need your help." I said I would return to Washington and try to do something about it. I wish to join my colleague from Mississippi in sponsoring this amendment, because it directly addresses a main concern of South Dakota farmers and ranchers.

It is a problem that we need to attach this amendment to the pending business, but time is of the essence. Yet April 15, 1994, is just a few weeks away, and many farmers in South Dakota do not want to be fined or have legal action taken against them for not complying with regulations they know little, if anything, about. The EPA has even admitted that getting the word of the new regulations to the public has been a problem.

However, at times, this is the way the legislative process works. The amendment is very timely. Without some action by Congress, the regulation will go into effect and possibly jeopardize many farmers and ranchers. This should not be allowed to happen. Time must be granted to educate the public on what action is needed on their part. The regulations should not be shoved onto them. Time is also needed to thoroughly review how these regulations will impact the daily operations of farmers and ranchers. What may work in Maine may not work in South Dakota. What may work in South Dakota may not work in Mississippi. We need time to work this out as well.

My colleague from Mississippi has carefully analyzed the current situation and has developed an appropriate response. I hope the amendment will pass. It is greatly needed. I think most Members of the House and Senate should be in favor of this.

So I compliment my friend from Mississippi. This is exactly one of the main concerns the farmers and ranchers raised with me in my agriculture advisory listening meeting in the basement of a farmer's home near Hazel, SD.

I would like to join my colleague in sponsoring this amendment, and ask that he add me as a cosponsor to the amendment.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the distinguished Senator from South Dakota be added as a cosponsor to the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, it could very well be a meritorious initiative or amendment, but it is certainly not timely or appropriate on this bill. Let me first say that I share a great deal of sentiment for the initiative by the distinguished Senator from Mississippi. But not on S. 4. We have a technology bill; we have advance technology programs; we have the manufacturing technology centers, the extension services, and the small business loans. There is not a word in this bill about pesticides or the Department of Agriculture regulations on pesticides. So Senator COCHRAN's amendment is absolutely not germane whatsoever.

Nonetheless, as I said, I sympathize with the Senator's cause. I harken back to 1967, when my State's peach farmers faced a similar problem. They were confronted with rules and regulations requiring that they wear a white cape, a hood with eye slits opened up in it, and little white gloves; at that time they looked like Klansmen running around in the peach orchard. We had signs every 25 yards, and under the regulations, it was safe to eat the peach, but unsafe to go in and pick the peach.

I vividly recall Senator George Aiken, of Vermont, who joined with this freshman Senator in resolving this problem.

So I am sympathetic, but I am not prepared to talk on pesticides and rulings and regulations at this particular time. I am concerned by the procedural gridlock on this bill. As the distinguished majority whip has pointed out, we are getting into a sort of open sesame as to the offering of non-germane amendments; there is no discipline.

This has to be solved, I take it, at the top level by the leadership on both sides of the aisle as to what the procedures are going to be.

In times past, a Senator would not dare attempt to attach an extraneous amendment such as this on a bill. Now, it is virtually standard operating procedure around here to just come in at any time with any measure, no relation whatsoever to the subject matter. So this is not a surprise, you might say, in that we had heard this last evening. We notified the chairman of the Agriculture Committee and others who seem to be interested and have been working on this matter. That was 45 minutes ago. We understand they have other work to do, but we have work to do as well.

I do not know any way to advance this bill than to move to table this amendment. Everybody wants to be courteous and indulgent, but we will only be indulgent for a short period of time around here and then we will move for a vote. If the Senator gets his vote on the motion to table and we do

not table it, that will tell us something. Then it is accepted and we will put it on the bill.

This open sesame on S. 4 began, unfortunately, with a sponsor of the bill who contributed to unanimous support for it in committee. We worked out problem areas together to make sure that it was not pork, that it was not picking winners and losers, that it had to be picked by the industry, that the industry had to provide the majority of the funds and, thereby, we provided for peer review by the National Academy of Engineering.

Now, because the Senator is disillusioned with the negotiations on GATT, the General Agreement on Tariffs and Trade, in December signals are switched, and I am hearing that same member who supported the bill over the years now talking about pork and claiming that now we have a new philosophy, a new departure in industrial policy.

Then in the next breath he said, in effect, "By the way, I like the industrial policy for the aircraft industry."

If we had to pick the No. 1 industrial policy for any private sector, it would be the aircraft industry. I mean we do not debate on NASA or whether we have a space station. We go forward, increase the budget, relative to space. I am chairman of that authorization committee and am totally familiar with that. We come and talk about the spinoffs. And the No. 1 spinoff is this. Why get a man up in space when you cannot afford to support the safety of a man walking on the streets.

Well, you have to understand here is the leading industry with respect to most of our balance of trade, our productivity, our lead in the manufacture of aircraft, and all of that comes from the space program. It all comes from research in the Department of Defense.

Yes, we have the Export-Import Bank financing to promote sales around the world in aircraft.

So I believe, yes, that is an industrial policy. But when it comes here to helping small business in technology, he says, oh, we better not, now we have a new departure, and it is time. I have talked to a Senator. The gentleman said he had not thought of that, and now we have to start a whole new debate because the distinguished Senator is disillusioned with the GATT negotiations back in December.

That is no way. It is gridlock. It is, I guess, in keeping with this idea that since we are the most deliberative body, yes, we can have extended debate. But this is not extended debate. This is extended shenanigans. Anybody can come at any time, and once you get your amendment up, you can get recognized; when you are talking about technology, and small business, and research you veer off into a discussion of regulations on pesticides in agriculture.

As manager of this bill I will go along with the general norms. But I put everybody on notice that we are not going to sit here all day long just to indulge Senators who are busy elsewhere and have work to do and then we are supposed to go to 11 and 12 o'clock at night until everyone gets exhausted and wants to go home on the weekend. I mean, come on. I will stay here through the weekend. It suits me fine.

But we need some discipline and understanding on both sides of the aisle so that we can move legislation that is agreed on by everyone and worked out by all the committees—the Committee on Energy and Natural Resources, the Committee on Small Business, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation, plus the committees on the House side.

So with that understanding, I understand that two or three Senators are on the floor who still want to be recognized. I understand the Senator from Mississippi has an important initiative here. However, it is an important initiative on an agricultural measure, and it is not relevant to this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, let me quickly say it is not the purpose of this Senator to delay the Senate in consideration of this legislation or this amendment. If the Senator wishes to proceed to a vote on the amendment, I have no objection to that.

We have made our argument. We have talked about the problem. We have tried to explain it as succinctly as we can and put it in perspective so the Senate will know what the issue is and understand what the vote will be about if we do have a vote on the amendment.

So, I just want Senators to understand that the request for delay in considering the amendment or voting on it or disposing of it is not coming from the proponent of the amendment.

We made our case. We have made the best argument we can make. We put in the RECORD all the supporting documentation of why we think this is a serious matter and one of some urgency.

So we certainly do not want to delay. We want to impose the will of the Senate on the process so that we can ensure that fairness and due process and advanced notice of the effect of these regulations are well understood. The whole point is for the EPA to recognize we need to have the training, the discussion of the procedures, and all of the rest in advance of the enforcement. We should not just randomly pick out someone to nail, start cracking down on violators and putting sanctions on State departments of agriculture who

are the victims in many ways of the mandates of the Federal Government.

They have not been given any money to train or hire staff to carry out the enforcement. They have just been told by the Federal Government: "You do it. We are going to tell you generally what is against the rules and what is not, and if you cannot understand, we will just come in and enforce and fine you and then you will understand it."

That creates an awful lot of anxiety. If there is anything that is going to hurt our competitiveness, it is that kind of Government action that adds unnecessary costs, impedes our ability to efficiently operate farms, agriculture, timber growing operations, nurseries, and other operations. We ought to take action. That is the whole point of this amendment.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Mr. President, I rise to address the bill before us today, S. 4, and to offer my strong support, not only for the substance of S. 4, the National Competitiveness Act, but to echo the appeals of the chairman of the committee, the distinguished Senator from South Carolina [Mr. HOLLINGS] and others that we exercise some self-restraint, which I know is often difficult, and focus on what is in S. 4 and not let it get sidetracked with a lot of amendments.

I say that without casting any judgment on the particular amendment pending now or any others being offered. But I say it with a particular sense of urgency since S. 4 addresses two problems that it is important for us to address—job creation and competitiveness.

Mr. President, we have a lot of problems in our country, but I can tell you, at least from the point of view of my constituents in Connecticut, there is no more serious problem than getting on with the task of getting our economy moving again, and creating and protecting jobs.

In the 5 years since 1989 when the recession began, my State of Connecticut has lost something on the order of 200,000 jobs. That is a lot of jobs. Connecticut has not been the only victim of job loss—as my colleagues in this Chamber know, Connecticut's experience with job loss is a story that has repeated itself in many places around the country.

But the sad part of the story is that this recession, which may be over in the minds of some economists, is not over in the lives of a lot of Americans: it is not like other recessions. This was not a temporary reduction in demand that led to people being laid off in the bad times and rehired in better times.

There are a lot of people out there who were laid off because of changes in the structure of our economy, because of downsizing, because of the reduction in our defense budget. These are people—many of whom are in midcareer—capable, qualified people—frankly, the kinds of people who never expected to be laid off and now worry about whether they will ever be rehired. And their worries resonate throughout much of the rest of the population—among their neighbors and their former co-workers who wonder whether they will be next.

This bill, in a way that would be hard to put on a bumper sticker, really deals with the heart of protecting and creating jobs in America by putting the Government in a partnership with business to improve our competitiveness and the available supply of good jobs in this country.

We use a lot of initials in talking about this bill—NIST, ATP's, MTC's. For me, what this bill is all about is j-o-b-s; jobs.

In the debate over how to improve the competitiveness in American manufacturing, we have spent a lot of time addressing the high cost of capital, the low rate of savings and investment, chronic trade and budget deficits, and failure of our educational system then to prepare our workers. All of those are obviously critical and important to protecting and creating jobs.

But this bill really confronts the basic question, which is: How do we keep this country on the leading edge of manufacturing and technology?

The Senator from South Carolina [Mr. HOLLINGS] has really been a pioneer in this. He was way out front before a lot of others saw the opportunity for the Government to be constructive in a partnership relationship with business.

I was privileged to serve on an economic task force a couple of years ago that the majority leader put together to continue some of these programs. In the various committees, we had bipartisan support. We worked to put together a package of economic initiatives and when that package passed, we had bipartisan support.

And we have had bipartisan support again in bringing this bill out of committee, because it is the right thing to do and the sensible thing to do. It is beyond politics, beyond partisanship. It is, in a practical sense, what the business community of America is asking the Federal Government to do to help them remain competitive by protecting and creating good jobs.

Let me talk in concrete terms about what this bill does.

This act expands the number of centers where small manufacturers can go to get hands-on training in the latest technology.

S. 4 also expands the Advanced Technology Program—that is ATP—at the National Institutes for Standards and Technology—that is NIST. The ATP matches funds for industry-led efforts to solve industrywide problems. And, for those with the idea that will take technology forward, the conceptual technological breakthrough, but who do not have the resources to carry it forward, this bill has the Critical Technologies Financing Pilot Program. I do not think we have even reduced this program to letters or an acronym yet, Mr. President, but it is important to people with the bright idea that could lead to the employment of thousands of people in the future.

Let me state there are three simple reasons to support this bill.

The first is to promote and improve American technology. The key to global competitiveness is the ability to deliver a better product at a better price. Obviously, this could be achieved in a number of ways. For example, we can artificially hold down wages or we can sell products more cheaply in foreign markets than we sell them at home. But there really is only one way to deliver a superior product at a cheaper cost without sacrificing the living standards of American workers or punishing American consumers. That is to increase productivity. And the way to get increased productivity is through advances in technology.

Technological advances can drive an economy by creating new goods, new services, new jobs, new capital, even new industries. When applied to existing systems, advanced technology can improve productivity and the quality of products. Anyone with the most basic computer can confirm that advanced technology can indeed make a job easier and faster.

Technological advances can help compensate for competitive disadvantages that American firms may face overseas, including comparatively higher costs of capital and labor.

We should take pride in the fact that the United States remains the world leader in basic research and in many areas of applied research. At the same time, research in and of itself does not lead to improved productivity and economic growth. R&D is merely the first step. It is commercialization, the process of moving products from our laboratories to our factories, that leads to increased productivity, continued economic growth, and the ultimate rise in our standard of living.

But, unfortunately, that is also where we too often fail. We must, as our competitors do, aggressively support emerging technologies so they can

be transformed into the commercially viable products, the job-creating businesses for the international marketplace.

Reason two relates to manufacturing and small manufacturers.

Mr. President, manufacturing currently employs approximately nearly 19 million Americans and adds about \$1.3 trillion to the economy each year. The export of manufactured goods account for nearly 67 percent of the total value of U.S. exports of goods and services.

As anyone who has visited a machine tool shop or a ball bearing plant can tell you, most of these manufacturers are hardly giants—there are an estimated 360,000 small and midsized manufacturing firms in the United States. But in terms of being job generators, these firms are giants. By way of illustration, during the years 1988 through 1992 manufacturing firms with fewer than 20 employees added 220,000 jobs, while manufacturing firms with more than 500 employees lost nearly 1 million jobs.

While the small companies employ millions of Americans, they lag behind virtually all our competitors in adapting new manufacturing equipment and technology. These companies need a sophisticated manufacturing extension service, much like the extensive system we have set up for agriculture. For comparison: While agriculture represents about 2 percent of our total GDP, U.S. manufacturing represents nearly 12 times that much—about 23 percent. At the same time, the U.S. spends over a billion dollars on agricultural extension programs while we spend one-tenth of that on manufacturing extension programs—about \$100 million.

Mr. President, a robust and technologically advanced network of small business manufacturers are our best hope for staying competitive. "Few and far between" is the best description of the public and private institutions in the U.S. getting the word out on new technologies. This causes particular concern for small manufacturers who do not have the resources to keep up with technological developments taking place in the United States, never mind overseas. Contrast this with Japan—where technology dissemination and technical assistance is commonplace. For example, the Japanese Government provides \$235 million for a nationwide network of 185 technology extension centers.

Reason three relates to information technology.

Mr. President, the "information superhighway" has become the new "buzzword" of the nineties. It has come to signify the frontier of technological innovation. It is also likely to become the frontier of international trade and competition. The U.S. is well positioned to set the standard, to be the

"pace car" on this new information superhighway. However, that leadership role will require partnerships between government, universities, and the private sector.

By putting information about advanced technology onto the superhighway, S. 4 envisions benefits in any number of fields—including health, education, and medicine.

ANSWERS TO CRITICISM INDUSTRIAL POLICY

Mr. President, there has been some suggestion that S. 4 puts the Federal Government in the position of picking winners and losers in the marketplace—so called industrial policy. Industrial policy conjures up images of Government bailouts for inefficient smokestack industries. That is not what this bill is about. What we are talking about is industry-led, not Government-led, initiatives that occur at the technology development stage, not after products go to market.

The National Competitiveness Act does not replace the free market. What it does do is carve out a constructive role for the Government to play in technology policy—particularly in the precompetitive, precommercial, developmental stages of technological advancement. That means that S. 4 does not meddle in the market. Indeed, S. 4 puts Government behind the private sector. S. 4 requires the private sector to match any Federal grant to ensure that it is the market—not the Government choosing the winners and losers.

Mr. President, the recognition of the importance of certain industries cuts across party lines. Even under President Bush, the National Critical Technologies Panel, which was part of the Office of Science and Technology policy, prepared a list of 22 key technologies and a report which stressed "the need for increased cooperation between Government and corporations." In their report, the National Critical Technologies Panel stated:

The failure to maintain world class manufacturing capabilities would compromise the nation's ability to compete in domestic and international markets, and would threaten our ability to obtain access to the full range of components and equipment required for a strong national defense.

In these days of shrinking defense budgets, the civilian sector is increasingly leading the military in research and development. In the old, cold days it was very much the other way around with the military providing the research and developments for civilian spinoffs.

GATT

I would also like to address the GATT issue. Let us be clear—the Europeans spend heavily on industrial R&D and industrial subsidies. That is the status quo. That is the situation we face today. Under the new GATT rules, they will be limited in their ability to subsidize products and product develop-

ment. That is good news. The new GATT subsidy rules will help level the playing field for U.S. firms. In a March 7 letter to Majority Leader MITCHELL, John Gibbons, the President's science and technology advisor, had this to say about the subsidies code in the GATT agreements:

It puts real teeth in disciplining unfair, trade-distorting production and export subsidies. At the same time, it protects economically desirable U.S. government investment in research and development from potential challenge by foreign countries.

Mr. President, our GATT negotiators should be congratulated, not castigated, for the progress they have made in this area. The agreement will not open the subsidy floodgate—it is a precise, surgical approach which will impose discipline on our trading partners in the subsidy area. S. 4 clearly falls within the precise parameters set forth by our GATT negotiators.

BUDGET

I am concerned about the budget deficit. I have been saying for months that we must make hard choices—if we add programs, we must cut or eliminate others. And that is what this bill does.

Every new dollar this proposal authorizes is matched by cuts in the President's budget. More importantly, because S. 4 requires an industry dollar for dollar match for every award, S. 4 leverages both private sector and State dollars. For every dollar we spend we know we are moving at least twice as much into the economy. So not only are we making the hard choices, we are also spending wisely. I could not put it better than the President did in a letter he sent to Majority Leader MITCHELL on Monday:

S. 4's leveraged investment offers this nation a high rate of return: by helping industry to create jobs and compete successfully in the global marketplace, we will grow the economy.

CONCLUSION

If maintaining a world class manufacturing capability—as the Bush administration suggested—is critical to both our national defense and economic security, then we should not be expending our time on the question of whether or not the Federal Government should be supporting technological advances. What we should be asking is "What is the best way for us to keep and maintain that advances?" How can we put the resources and leverage capacity of the Federal Government directly behind American industrial technologies to improve our industrial competitiveness over the long term? I believe the National Competitiveness Act provides us with the answer to these questions. I am grateful for the work of Senator HOLLINGS and others in bringing this bill to the floor and I encourage my colleagues to support me in supporting S. 4.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Connecticut

has really been part and parcel of this bill. He has headed up an economic leadership group of Senators from both sides of the aisle. They have been working. They have been vitally interested in technology. They have been vitally interested in the commercialization of our technology. They have been vitally interested in the research necessary for us to be kept on the cutting edge. In that light, no one could be more grateful than myself for his particular contribution over the last 1½ to 2 years that we have been working on this particular measure. So I thank him for his comments here this morning and his contribution.

Mr. President, I think we can move back to the Kassebaum amendment.

Mr. LIEBERMAN. I thank the distinguished Senator from South Carolina for his kind words and longtime leadership in the whole process of how the Government can create a partnership with business to create jobs.

Mr. President, I ask unanimous consent the remainder of my remarks be printed in the RECORD as if read and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. HOLLINGS] is recognized.

AMENDMENT NO. 1477

Mr. HOLLINGS. Mr. President, I understand this particular matter now has been worked out with the distinguished Senator from Kansas. In this unanimous-consent request I will be referring to the text of the language attached. I will yield to the Senator from Kansas at that time to submit that language and to indicate her approval.

UNANIMOUS-CONSENT AGREEMENT

Mr. HOLLINGS. Mr. President, I ask unanimous-consent amendment No. 1477 be withdrawn; that the Senate now proceed to the consideration of Calendar No. 329, S. 1458; that Senator KASSEBAUM be permitted to modify that bill with the text of the language attached to this unanimous-consent request; that the bill then be referred to the Judiciary Committee for not to exceed 1 calendar day, that if at the end of that time the Judiciary Committee has not reported the bill, the bill be discharged and placed on the calendar; that the Senate proceed to the consideration of S. 1458 when S. 4, or its companion, H.R. 820, is no longer before the Senate, provided the bill has been reported by the Judiciary Committee or been discharged by that time; that there be a time limitation on the bill as follows:

One hour for debate on the bill as modified, with no amendments or motions to recommit in order with the time to be equally divided between Senators KASSEBAUM and METZENBAUM or their designees.

Before I put that request, I yield to the distinguished Senator from Kansas.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the distinguished Senator from South Carolina?

Mrs. KASSEBAUM addressed the floor.

The PRESIDING OFFICER. Reserving the right to object, the Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, there is no objection. Before I send the modification to the desk, I just would like to express appreciation to the co-sponsors who have over the years been strong supporters of general aviation product liability, particularly to the Commerce Committee, where, if there has not been strong support, there has been forbearance on the part of some. I am very appreciative of that.

I also would like to thank the Senator from Ohio [Mr. METZENBAUM] who helped work out an agreement which has enabled us to reach this point.

I just ask now the modification be sent to the desk for consideration.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from South Carolina?

Mr. HOLLINGS. The modification, Mr. President, is part and parcel of the unanimous-consent request.

The PRESIDING OFFICER. The Chair observes the unanimous-consent request had not yet been agreed to.

Mr. HOLLINGS. That is right.

The PRESIDING OFFICER. Is there objection? Without objection the unanimous-consent request is agreed to.

The amendment (No. 1477) was withdrawn.

The PRESIDING OFFICER. Under the order just agreed to, the modification will be sent to the desk.

The modification to S. 1458 is as follows:

1. Strike "15" on page 2, line 20 and on page 3, line 8, and insert "18."

2. Insert "Except as provided in subsection (b) of this section," after "(a) IN GENERAL," on page 2 line 13.

3. Insert new subsection (b) on page 3, line 10:

"(b) EXCEPTIONS.—Subsection (a) of this section does not apply—

"(1) If the claimant pleads with specificity the facts necessary to prove, and proves by clear and convincing evidence—that the manufacturer with respect to pre-market certification or obligations with respect to continuing airworthiness of an aircraft or aircraft component knowingly misrepresented to the FAA, or concealed or withheld from the FAA, required information that is material and relevant to the performance or the maintenance or operation of such aircraft or component that is causally related to the harm which the claimant allegedly suffered.

"(2) If the claimant is a passenger for purposes of receiving treatment for a medical or other emergency; or

"(3) If the claimant was not aboard the aircraft at the time of the accident.

4. Change "(b)" to "(c)" on page 3, line 10; "(c)" to "(d)" on page 3, line 19; and make relevant changes to the section entitled "Conforming Amendment" on page 4, line 1.

GENERAL AVIATION REVITALIZATION ACT OF 1993

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1458), to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

The PRESIDING OFFICER. Under the agreement, the bill will be referred to the Judiciary Committee for 1 calendar day, under the terms of the unanimous-consent agreement just entered into.

The Senator from South Carolina [Mr. HOLLINGS].

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Let me thank the distinguished Senator from Kansas for her cooperation and leadership, even though I happen to be on the minority side here. My only wish is that she had been handling this bill today instead of me. Then there would not be any amendments and we would have long since had this bill over to the House and our work would be through. All Senators have the highest respect for the distinguished Senator from Kansas.

I thank Senator METZENBAUM, Senator HEFLIN, and other members of the Judiciary Committee for their cooperation and forbearance and understanding on this particular matter, and I do thank the leadership on both sides of the aisle for working this out.

Once again I commend my distinguished colleague from Kansas on her excellent work, even though I regret it.

Mr. President, I understand perhaps on the pending amendment right now by the distinguished Senator from Mississippi there is some kind of work being done with respect to that amendment. I emphasize again my gratitude to Senator LIEBERMAN, the junior Senator from Connecticut, for his outstanding work and help in fashioning this particular measure.

If you remember, we have had more bills than you can think of relative to competitiveness. There has been a general frustration boiling up within the Congress itself over the past 15 to 20 years, actually, because we could see we were losing out in the productivity of the United States—not by the individual industrial worker, still the most productive in the entire world, but by the Government in the system as found in our deficit in the balance of trade over the past 12 to 15 years. As a result, we have all tried to come in with a separate initiative relative to Sematech, we have come in with trade measures relative to Super 301.

But we thought within the Government itself, watching our competition where, in the Pacific rim where the

Governments pay for all the services—that is not our intent here. Our intent is to take at the initiative of industry for advanced technological research to support it only on the approval of the best of peer review organizations and the National Academy of Engineering.

Within it all, and the leadership relative to competitiveness on both sides of the aisle, the Senator from Connecticut [Mr. LIEBERMAN] has been nothing less than outstanding. So I appreciate his contribution in trying to get us back on track to the major bill. I am going to do my best to talk to the Senator from Kansas and see if she will replace me here and start moving this bill so we can get it on over to the House side.

I suggest the absence of a quorum.

Mr. LEAHY. Will the Senator withhold?

Mr. HOLLINGS. Yes.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, I know that efforts are underway to try to reach some type of accommodation with the distinguished senior Senator from Mississippi and his amendment. I discussed it briefly with him this morning. As chairman of the Senate Agriculture Committee, I share his concerns, but I have a feeling these are things that are workable.

I could not support the amendment in the way that it was originally placed. I feel it is not germane to S. 4. The distinguished Senator from Mississippi knows my concerns on that. I will just note for him and for the distinguished chairman of the Commerce Committee, Senator HOLLINGS, that in the Agriculture Committee, to whatever extent this may help, I am happy to work with him.

REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

Mr. LEAHY. Mr. President, if I might—I understand no one is seeking the floor at the moment—tell the Members some of the things the Senate Agriculture Committee has been doing in the last few hours.

The Senate Committee on Agriculture, Nutrition and Forestry this morning reported out legislation to restructure the U.S. Department of Agriculture. In fact, this is going to be the first comprehensive overhaul of the Department of Agriculture since the 1930's. I want to praise Senators on both sides of the aisle who have made that possible, and the Senate staffs on both sides of the aisle who have been working almost around the clock on this reorganization.

It could not be understated what we did in the Department of Agriculture today. With reorganization, we have made a \$2.3 billion downpayment on reinventing Government. It is a real victory for the American taxpayer. It

means a more efficient and a better directed Department of Agriculture. The world is changing and we know that, and the Department of Agriculture has to change with it. What we have done is given the Secretary, Secretary Espy, the tools he needs to bring the Department of Agriculture into the 21st century. We have shown that Congress is ready to deliver on the Vice President's plan to make Government work better.

The legislation proves that we can cut costs and improve services at the same time. I hope we are setting a standard for the rest of the Federal Government to follow. I know that Senator LUGAR—as the ranking member—and I have been working on this for a number of years. I think that we have made a giant step forward this morning in the committee with the support of 17 members of the committee.

Let me just briefly summarize what the bill does. It provides budget savings by streamlining Federal employment and departmental administration. That is a savings of \$2.3 billion through 1998.

It cuts the size of the Department of Agriculture bureaucracy and reduces the number of Federal employees by 7,500. It reduces the number of independent agencies from 43 down to 28. These are real cuts, and cuts in Washington, the headquarters, by requiring a higher percentage of cuts at the Department of Agriculture than in the field, and it requires consolidation of the Department of Agriculture's Washington offices. In other words, whatever cuts are going to be made, more will be done in Washington, than out in the field, to set the standard.

It creates a new Farm Service Agency. It consolidates all the farm programs. It makes way for entirely new field structures based on field service centers. This will lead to closing and consolidating over 1,100 county offices. It establishes the Natural Resources Conservation Service. That is going to give local control over final decisions on program recipients to county ASCS committees. It is going to consolidate the Department of Agriculture's cost-share programs in the new NRCS. It creates a single food safety agency to oversee all USDA food safety and inspection programs. It consolidates planning and policy development for all of USDA's research and education programs.

Mr. President, this bill is good for taxpayers, it is good for farmers, it is good for the Department of Agriculture, it is good Government. It is going to save money. It is going to cut personnel, and I should note for my colleagues, every State will be affected, including the State of Vermont. I am not going to say we will do cuts in the other 49 States and we will not do any in my own State. Every State will see consolidation, every State will see savings, every State will see cuts. But

all of us will be better off for it. The American taxpayers will spend \$2.3 billion less than they would have without it, and I think rural areas and farmers and ranchers in this country will be better off in the long run.

MORE EFFICIENT AND LESS EXPENSIVE GOVERNMENT

Mr. LEAHY. Mr. President, not seeing anybody else seeking recognition, I note on yet another matter that these things, whether it is Department of Agriculture reorganization or anything else, reflect what we have to do in this country. We have to have more efficient and less expensive Government. We cannot afford to keep on going as we are and still bring deficits down.

We also have to work toward a health care plan that will save money, that will not be the enormous drain on the Treasury it is now, and can provide health care to tens of millions of Americans who are either without health care today or have totally inadequate health care.

There has been a lot of discussion of the roles of various people in that regard. I would like to note that one person who I have been thoroughly impressed with—with her dedication, with her enthusiasm, with her knowledge, with her expertise and with her untiring devotion to the subject—is the First Lady, Hillary Clinton. I think we would not be this far ahead in the debate and we would not be this far ahead in what we are doing without her help.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Mr. President, just to bring the colleagues up to date, we have been here the morning now and have yet to have a vote on anything and very little debate otherwise. What is occurring at this particular moment is that I think we could work out something with respect to the Cochran amendment relative to pesticides. We have promised the Senator here at least that we would indulge the negotiations, I guess you might call it, for another 20 minutes. Otherwise, we will be prepared, if they cannot get together, to just go ahead and try to get movement on this bill.

The only way the Senator from South Carolina knows how to move

this group is to just make a motion to table, without trying to be abrupt or arrogant or untimely, or whatever else. But I keep hearing stories about other peoples' problems: They have to be in a committee, and somebody else is here, and somebody else is there.

The prime responsibility of the U.S. Senate is to conduct its work here on the floor. We have indulged them right along. We have been told, for example, that one particular amendment was coming over yesterday at 2 o'clock. It is now past 12 today, and we do not have that amendment. The colleagues will pile in here after suppertime and want to know why we are going late. With that in mind, I let them know that we have to get these amendments up, or we will move to third reading, or move to table whatever amendment is pending, unless we can get better cooperation on the bill itself. We are not trying to cut off debate. We are not getting any debate. We are getting delays, procrastination, and put off. We are not going to go along with that.

Using the time here while they are negotiating in the next few minutes, it is clear to some of the colleagues that they are unfamiliar with the National Institute of Standards and Technology and its contributions to the Nation's economy. For example, I want to summarize a few recent success stories which show the bottom-line value of the National Institute of Standards and Technology activity.

NIST measurement specialists just developed a new method for improving the accuracy and safety of mammograms. We have the news article, and I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Institute of Standards and Technology, Nov. 22, 1993]

NEW NIST-INVENTED DEVICE TO HELP RADIOLOGISTS IMPROVE IMAGE QUALITY IN MAMMOGRAPHY

A new device invented at the National Institute of Standards and Technology will help radiologists improve image quality in mammography, one of medicine's most important breast cancer screening tools.

The device, an X-ray crystal diffraction spectrometer, measures the distribution of X-ray energies that a patient would receive from a mammography unit more accurately than existing field calibration methods, NIST scientists say.

"Accurate measurement of kilovoltage is a key step toward improving the image quality for the millions of mammograms performed annually in the United States," said NIST physicist Bert Coursey.

The American Cancer Society estimates that 180,000 women were diagnosed with breast cancer and that the disease claimed 46,000 lives in 1992.

"The clinical community needs to be able to put tighter limits on the voltage applied to X-ray sources," said Dr. Richard Deslattes, inventor of the diffraction spectrometer device. Deslattes and colleagues will describe the new device in the January issue of Medical Physics.

The quality of a mammogram, an X-ray image of breast tissue, is determined, in part, by the electrical voltage that generates X-rays in a mammography unit. Lower voltages produce lower energy X-rays, and higher voltages produce higher energy X-rays. The exact voltage required for optimum image quality varies from woman to woman.

A radiologic technologist sets the voltage on the unit based on the thickness and tissue density of the breast. The existing non-invasive voltage measurement systems that are practical for mammography are accurate to within one or two kilovolts. Image quality, on the other hand, is influenced by sub-kilovoltage changes.

More accurate voltage measurement is available by use of calibrated potential dividers, but this kind of "invasive" measurement is complex, labor intensive and disturbing to the clinical environment.

In response to this measurement need, NIST scientists have developed a new approach based on two very old ideas. They first noted that the highest energy X-rays emitted by a radiological source correspond exactly in energy to the voltage applied to the X-ray tube. They then took advantage of a spectrometer design originally described by Sir Ernest Rutherford and E.N. da C. Andrade in 1914 to produce a convenient instrument requiring neither precise alignment nor external calibration to determine the high energy limit of the X-ray spectrum.

The NIST X-ray crystal diffraction spectrometer will be used as a calibration device. When placed in the X-ray beam, the device tells whether the actual voltage agrees with the indicated voltage. The NIST device, a metal box about 46 centimeters (18 inches) in length, measures the electrical voltage over the range used in mammography more accurately than an existing method.

A patent for this approach to high voltage measurement has now been issued, and a license for commercial manufacture is pending.

More recent developments have extended the applicable range to 150 kV and demonstrated a new spectrometer design in which use of a slightly curved crystal permits high-resolution spectra to be obtained independent of the size and placement of the X-ray source.

"Tube voltage is an important parameter relating to mammography image quality and is one of the most difficult to measure accurately in the field. This new crystal spectrometer from NIST promises much more accurate measurements of tube kilovoltages made on the 12,000 mammography units in the United States," said R. Edward Hendrick, associate professor at the University of Colorado Health Sciences Center and chairman of the American College of Radiology Committee on Mammography Quality Assurance.

As a non-regulatory agency of the Commerce Department's Technology Administration, NIST promotes U.S. economic growth by working with industry to develop and apply technology, measurements and standards.

Mr. HOLLINGS. Mr. President, NIST scientists and a company have just developed a new mercury-free material for dental fillings. NIST-supported manufacturing technology centers are helping many firms. For example, Thomson Berry Farms in Duluth, MN, received advice on inexpensive equipment that subsequently increased its

productivity by 50 percent, helped increase sales by 100 percent, and kept the company from having to lay off workers. Prime Tube, Inc. of Livonia, MI, received advice that enabled it to remain as the Chrysler Corp. supplier. In my own State, Spartanburg Steel Products received significant help in designing and making new stamped automobile parts. And we have the details for that if any colleagues are interested. I will never forget going over, not too long ago, to Lexington County to a small entity making parts for airplane manufacture, and they went to the manufacturing center right there in Columbia, and they got computerized, the entire system. It was mechanized and outlined their time on delivery of the equipment and materials necessary for those parts. As a result of that kind of what we now call streamlining here in the Congress, they were able to double their employment and win some more of these competitive contracts.

One of the real things that came under the leadership of the National Institute of Standards and Technology over in Europe at the time was the rapid acquisition of manufactured parts. That was down in the innards of the old Bureau of Standards. We brought that out and developed it as the Advance Technology Program called for its kind of development. Now we have had the Navy and Air Force come, whereby if a ship would break down in the Persian Gulf, ordinarily what would happen is the ship would be 30 years old. It would be sent back, and after fabricating the part, it would take a year to a year-and-a-half to get the part and get things moving again.

What we are doing now in the Department of Defense is beginning to computerize the actual manufacture of all of these particular parts. So you do not always have to keep them in storage for 30 years or anything else, and keep the papers on file. If a part like that breaks, they put it into the computer, and it puts it into the machine, the robot spits it out, and you have that particular part back out there in a matter of a couple of weeks. That was one of the great things that impressed me in the very early days that could be done.

While the Advanced Technology Program is new, we already have some real successes. One firm, SDL Inc., of San Jose, CA, used its Advanced Technology Program award to develop new laser technologies. Then using its own money, it applied those technologies in several new products, including lasers for surgery in the treatment of tumors.

I have many other examples, but let me mention this particular one. In the 1970's, NIST worked with industry to develop one of the most important technologies in America—the residential smoke detector. This established a \$100 million annual U.S. market, and

U.S. manufacturers now hold 50 percent of the world market. But more importantly, those detectors have been a major factor in a 30 percent reduction in U.S. residential fire deaths since 1975.

Some of the colleagues may like to suggest that only a privileged few companies are "subsidized" by NIST programs, but the truth is otherwise. NIST is a national treasure, and its programs help countless companies and lives across our Nation.

By way of emphasis once again, this is for all of industry. This is industry-initiated, not politicians picking winners and losers. Nothing occurs within this particular function and this particular department of Government that is not asked for, in the original instance, by the industry itself, who promises at the time to provide the majority of the money.

So they come not just on a will-o-the-wisp but more particularly something that they really know from hard experience is economically feasible as well as technologically sound. Then they have to go through with the peer review process at the National Academy of Engineering before we actually make any awards.

I do not know of any better way to do it. It is working that way and thereby has the confidence and support of all segments of industry that we read out yesterday, if some forgot the long list of business, industry, technology, scientific companies, manufacturers and societies, and otherwise, that have worked on this bill and support it.

Now, Mr. President, let me list the States that will benefit from NIST.

First, companies in all States benefit from the measurement methods and safety technologies developed in NIST laboratories.

But many States also have benefited already from NIST's new Advanced Technology Program and extension programs. As I said, these are competitive, peer-reviewed programs. Nothing is earmarked, but in fact many States are benefiting.

With only over \$200 million in Federal funding so far, the Advanced Technology Program has funded industry-led projects in 22 States. These include: California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, and Utah. I could go on and on.

NIST's own extension programs, and those it manages—that is, the National Institute of Standards and Technology managing for the Department of Defense under the Technology Reinvestment Project—now support manufacturing outreach and assistance projects in 31 States. These include: Arkansas, Arizona, California, Colorado, Con-

necticut, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Washington State.

NIST's Malcolm Baldrige National Quality Award Program has helped companies everywhere learn how to improve quality and win new customers.

I have quite a bit of other additional information. I wanted to use this down time, you might say, to get this in the RECORD here because we have a program that is off and running at very, very minimal cost. The Government spends \$70 billion on research. This is less than 2 percent of the \$70 billion, if this were approved. It is less than 1 percent right now, less than 1 percent, and we intend and I am confident the leadership on both sides of the aisle and Senators concerned on both sides and in both Houses of Congress are determined to keep this going.

I do not know of any amendments to this bill. I know some nongermane political exercises that are on course that Senators feel, since we have a popular measure and we are ready to go, that they would like to just free ride, like one described earlier, and have a Christmas tree, really, to place ornaments thereon. But I hope they will withhold that and let us really bring up whatever contribution they would like to make, any amendment to the actual bill they would like to make that has to do with technology, and we will move from there. I think we have had almost enough time now to work out an agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, later, I want to have printed in the RECORD a letter from the distinguished chairman and chief executive officer of the Xerox Corp., who also serves as the chairman of the Council on Competitiveness. This is a very august group.

We had this really organized in the early days under President Reagan, if I remember correctly. They put in a report as a publicly appointed Commission on Competitiveness. It was widely read and has been referred to over the years. Very little was done.

So the leadership there organized on the private side their own Council on Competitiveness, encompassing not only the distinguished chairman of Xerox, Mr. Paul Allaire, but Thomas E. Everhart, California Institute of Technology; Henry Schacht, Cummins En-

gine Co., Inc.; Jack Sheinkman, Amalgamated Clothing & Textile Workers Union, AFL-CIO; Donald Beall, Rockwell International; John Clendenin, BellSouth Corp.; George Fisher, Eastman Kodak Co.; Katharine Graham, Washington Post Co.; William Hambrecht, Hambrecht & Quist Inc.; Jerry Jasinowski, National Association of Manufacturers; Thomas G. Labrecque, the Chase Manhattan Corp.; Peter Likins, Lehigh University; Robert Mehrabian, Carnegie Mellon University; Thomas Murrin, Duquesne University; Michael Porter, Harvard University; James Renier, Honeywell, Inc.; Albert Shanker, American Federation of Teachers, AFL-CIO; Ray Stata, Analog Devices, Inc.; Jerre Stead, NCR Corp.; William Steere, Pfizer, Inc.; Gary Tooker, Motorola Inc.; Charles M. Vest, Massachusetts Institute of Technology; Arnold Weber, Northwestern University; William Weiss, Ameritech Corp.; A. D. Welliver, the Boeing Co.; Lynn Williams, United Steel Workers of America; John A. Young, Hewlett-Packard Co.; President Daniel F. Burton, Jr.; Vice President Suzanne Tichenor; and Distinguished Fellow Erich Bloch, former head of the National Academy of Sciences; and there are senior fellows and others listed here.

They state:

On behalf of the Council on Competitiveness—a coalition of chief executives from U.S. industry, higher education and labor—I would like to express my support for S. 4, the National Competitiveness Act.

As a leading bi-partisan private-sector voice on U.S. competitiveness, the Council is dedicated to helping make America more competitive in the global marketplace and more prosperous at home. We believe that S. 4, through its support for civilian technology and manufacturing, is an important step toward these ends. The Council is on record as supporting several programs, in particular:

Significantly expand the Advanced Technology Program (ATP). S. 4 increases funding for a ATP to \$567 million in FY 1996 and requires that the Department of Commerce develop a long-term plan for the program. These provisions will promote increased private-sector investment in critical enabling technologies and allow ATP to have a more strategic impact on U.S. industrial competitiveness.

Support development and diffusion of technology, especially to small and medium-sized manufacturers. S. 4 directs the Department of Commerce to work with industry to develop new generic advanced manufacturing technologies and consolidates existing NIST quality programs into a NIST National Quality Laboratory. It also combines existing federal and state extension programs into an integrated Manufacturing Extension Partnership (MEP) to help small and medium-sized manufacturers in all geographic regions adopt modern manufacturing technologies and create high performance workplaces. These initiatives will enhance U.S. industry's ability to develop and manufacture competitive products and promote long-term economic growth.

Stimulate investment in high performance computing and communications applica-

tions. S. 4 authorizes over \$350 million in FY 1995 and FY 1996 for a coordinated inter-agency program to support research, technology development and pilot projects for computing applications in health care, education and manufacturing. These applications will help translate the potential of a 21st century information infrastructure into tangible economic and social benefits for the American people.

We commend your continued support for these initiatives and urge you to play a leadership role in their implementation through timely passage of S. 4.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COUNCIL ON COMPETITIVENESS,
Washington, DC, March 7, 1994.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HOLLINGS: On behalf of the Council on Competitiveness—a coalition of chief executives from U.S. industry, higher education and labor—I would like to express my support for S. 4, the National Competitiveness Act.

As a leading bi-partisan private-sector voice on U.S. competitiveness, the Council is dedicated to helping make America more competitive in the global marketplace and more prosperous at home. We believe that S. 4 through its support for civilian technology and manufacturing, is an important step towards these ends. The Council is on record as supporting several programs, in particular:

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Support development and diffusion of technology, especially to small and medium-sized manufacturers. S. 4 directs the Department of Commerce to work with industry to develop new generic advanced manufacturing technologies and consolidates existing NIST quality programs into a NIST National Quality Laboratory. It also combines existing federal and state extension programs into an integrated Manufacturing Extension Partnership (MEP) to help small and medium-sized manufacturers in all geographic regions adopt modern manufacturing technologies and create high performance workplaces. These initiatives will enhance U.S. industry's ability to develop and manufacture competitive products and promote long-term economic growth.

Stimulate investment in high performance computing and communications applications. S. 4 authorizes over \$350 million in FY 1995 and FY 1996 for a coordinated inter-agency program to support research, technology development and pilot projects for computing applications in health care, education and manufacturing. These applications will help translate the potential of a 21st century information infrastructure into tangible economic and social benefits for the American people.

We commend your continued support for these initiatives and urge you to play a lead-

ership role in their implementation through timely passage of S. 4.

Sincerely,

PAUL ALLAIRE,
Council Chairman,
Chairman and CEO, Xerox Corporation.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I am informed the distinguished Senator from Georgia [Mr. COVERDELL], is momentarily coming to the floor with an amendment.

In the meantime, Mr. President, I will ask unanimous consent that letters of support be printed in the RECORD: A letter from the Advanced Technology Coalition, dated February 9, to myself and endorsed by the American Electronics Association; the National Association of Manufacturers; the Modernization Forum; Microelectronics and Computer Technology Corp.; Honeywell, Inc.; National Society of Professional Engineers; Business Executives for National Security; IEEE-USA; Semiconductor Equipment and Materials International; Institute for Interconnecting and Packaging Electronics Circuits; Wilson and Wilson; American Society for Training and Development; Catapult Communications Corp.; Dover Technologies; Texas Instruments, Inc.; Columbia University; Motorola; Intel Corp.; Cray Research; Electron Transfer Technologies; Electronic Data Systems; American Society for Engineering Education; US West, Inc.; Electronic Industries Association; Tera Computer Co.; Southeast Manufacturing Technology Center; Convex Computer Corp.; Association for Manufacturing Technology; Semiconductor Research Corp.; American Society of Engineering Societies; AT&T; and Hoya Micro Mask, Inc.

That is one letter, Mr. President.

The other letter here, dated February 8, to myself is from the National Coalition for Advanced Manufacturing. A third letter here from the Computer Systems Policy Project, February 23, 1994, signed by Lewis E. Platt, chairman and CEO of Hewlett-Packard Co. and also, the chairman of the CSPP Working Group on Information Infrastructure; a letter from the American Industrial Extension Alliance, dated February 14, signed by David Swanson, president; a letter from the American Society for Training and Development, dated February 4, and signed by Curtis E. Platt, the president and chief executive officer; and a letter from the American Society of Mechanical Engineers, dated February 7, 1994, signed by John Parker, the vice president of government relations.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ADVANCED TECHNOLOGY COALITION,
Washington, DC, February 9, 1994.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HOLLINGS: On behalf of the Advanced Technology Coalition, we want to express our strong support for the Senate version of the National Competitiveness Act, S. 4.

We believe that the bill deserves bipartisan support. We ask that you vote for the bill when it reaches the floor in the very near future. Its passage is essential to strengthening the ability of our companies and members to compete in the international marketplace; in short, S. 4 means jobs and will contribute to our nation's long-term economic health.

Combined, the Advanced Technology Coalition represents 5 million U.S. workers, 3,500 electronics firms, 329,000 engineers, and 13,500 companies in the manufacturing sector. The Coalition is a diverse group of high-tech companies, traditional manufacturing industries, labor, professional societies, universities and research consortia that have a common goal of ensuring America's industrial and technological leadership.

The members of the Advanced Technology Coalition have invested an enormous amount of time working with both the House and the Senate in developing and refining the National Competitiveness Act. The Coalition believes that its views have been heard by Congress and reflected in the bill.

In short, we believe that S. 4 will promote American competitiveness and enhance the ability of the private sector to create jobs in this country. We hope that you will play a leadership role in ensuring its passage. We would be happy to sit down with you or your staff to discuss the bill in greater detail.

Sincerely,

American Electronics Association (AEA),
National Association of Manufacturers (NAM),

The Modernization Forum,
Microelectronics and Computer Technology Corporation (MCC),

Honeywell, Inc.,
National Society of Professional Engineers,

Business Executives for National Security,
IEEE-USA,

Semiconductor Equipment and Materials International (SEMI),

Institute for Interconnecting and Packaging Electronics Circuits (IPC),

Wilson and Wilson,
American Society for Training and Development,

Catapult Communications Corporation,
Dover Technologies,

Texas Instruments, Inc.,
Columbia University,

Motorola,
Intel Corporation,

Cray Research,
Electron Transfer Technologies,

Electronic Data Systems (EDS),
American Society for Engineering Education,

U.S. West, Incorporated,
Electronic Industries Association,

Tera Computer Company,
Southeast Manufacturing Technology Center,

Convex Computer Corporation,

Association for Manufacturing Technology,
Semiconductor Research Corporation,
American Society of Engineering Societies,
AT&T,
Hoya Micro Mask, Inc.

THE NATIONAL COALITION
FOR ADVANCED MANUFACTURING,
February 8, 1994.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HOLLINGS: On behalf of the National Coalition for Advanced Manufacturing (NACFAM), I want to express our strong support for the Senate version of the National Competitiveness Act, S. 4.

We believe that the bill deserves bipartisan support and ask that you join many of your colleagues in supporting the bill when it reaches the floor. Its passage will enhance the ability of U.S. manufacturing companies to compete in the international marketplace. S. 4 would also help to expand the pool of high skill, high wage jobs for the American workforce.

NACFAM especially supports the manufacturing provisions of the bill (Title II) which, among other things, will develop a national system of manufacturing extension centers and technical services. This system will improve the ability of the nation's 360,000 small- and medium-sized manufacturers to modernize through the adoption of advanced manufacturing technology and related processes critical to increasing their productivity, product quality, and competitiveness.

These small- and medium-sized manufacturers are the backbone of our domestic industrial base. Manufacturing establishments with fewer than 500 employees represent 98% of the nation's total, employ two-thirds of the manufacturing workforce, and produce nearly half of the nation's value added in manufacturing.

NACFAM, a non-partisan, non-profit, industry-led coalition, has worked as a catalyst for public-private corporation in modernizing America's industrial base for over 5 years. NACFAM's rapidly growing membership includes 65 corporations, 175 manufacturing technology centers (making NACFAM the largest association of such centers) and 27 national trade and technical associations (representing between them over 80,000 companies and thousands of technical education institutions).

Thanking you in advance for your kind consideration of S. 4, I remain.

LEO REDDY,
President.

COMPUTER SYSTEMS POLICY PROJECT,
February 23, 1994.

Hon. ERNEST F. HOLLINGS,
Chairman, Senate Committee on Commerce,
Science, and Transportation, Washington, DC.

DEAR CHAIRMAN HOLLINGS: I am writing on behalf of the Computer Systems Policy Project (CSPP) in support of your efforts to enact legislation to establish an information applications technology component of the High Performance Computing Act, Title VI of S. 4.

CSPP strongly believes that the research framework established by Title VI of S. 4 will complement efforts by the private sector to develop applications for an enhanced national information infrastructure (NII). Title VI authorizes funds for precommercial research that will stimulate the develop-

ment by the private sector of new applications in education, healthcare, access to government information and services, and digital libraries. These applications have the potential to create new products, services, and jobs and to improve the quality of life for all Americans by bringing the benefits of the information age to everyone.

The United States is currently the world leader in computing and communications technologies. An enhanced national information infrastructure will not only help us maintain that lead, but will put our information technology advantage to work for all Americans. CSPP believes that initiatives such as those authorized by Title VI of S. 4 will contribute significantly to successful and rapid evolution of the NII.

Sincerely,
LEWIS E. PLATT,
Chairman and CEO, Hewlett-Packard Co.

AMERICAN INDUSTRIAL
EXTENSION ALLIANCE,
February 14, 1994.

DEAR SENATOR HOLLINGS: The Senate will soon be considering Senate File 4, a bill that will directly impact the ability of American industry to compete in world markets. This important bill contains a section on manufacturing extension that is designed to provide the United States with an effective system of assisting industry in modernizing technical, management and processing systems. There is a preponderance of evidence that our industries lag in utilizing modern equipment and systems, and this federal effort will bring cohesion to the disparate systems now in existence.

The members of the American Industrial Extension Alliance are firmly behind efforts to strengthen this country's technical assistance programs and bring this needed service to all the states. The Alliance members represent most of the industrial extension programs that now exist, but we are well aware of the size of the problem is beyond the capabilities of these few programs. We support the position of the National Coalition for Advanced Manufacturing and the expanding Manufacturing Extension Partnership at NIST.

Your support in strengthening American manufacturing firms by the passage of Senate File 4 will be appreciated.

Sincerely,
DAVID H. SWANSON,
President.

AMERICAN SOCIETY FOR TRAINING
AND DEVELOPMENT,
February 4, 1994.

Re S. 4, The "National Competitiveness Act of 1993".

MEMBER,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The American Society for Training and Development (ASTD), on behalf of more than 55,000 corporate-based human resources development specialists, urges your support for S. 4, the "National Competitiveness Act of 1993," when it is considered on the floor in the coming days.

The "National Competitiveness Act of 1993" establishes key underpinnings of a national technology policy based on outreach to the private sector, the targeting of assistance to small- and medium-sized companies, and the integration of worker training with technology assistance.

ASTD specifically supports provisions to create Manufacturing Outreach Centers and expand the activities of the existing Manu-

facturing Technology Centers. Enactment of these provisions will help companies gain increased access to manufacturing assistance, implement the best manufacturing technology and processes at least cost, and train workers in maximum utilization of technology and production systems.

ASTD is the world's largest association dedicated to advancing workforce training in conjunction with technological progress and the creation of high performance workplaces. We look forward to swift passage of this important initiative during the 2nd session of the 103rd Congress as a critical step to improve U.S. competitiveness.

Sincerely,

CURTIS E. PLOTT,
President and CEO.

THE AMERICAN SOCIETY OF
MECHANICAL ENGINEERS,
Washington, DC, February 7, 1994.

Hon. BOB DOLE,
Hart Building, Washington, DC.

DEAR SENATOR DOLE: On behalf of the Technology Policy Group of the American Society of Mechanical Engineers (ASME), I urge you to support S. 4, the "National Competitiveness Act of 1993," which is scheduled to be brought to the Senate floor this week.

This important legislation will provide the underpinning for a realistic national technology policy. It includes provisions that support the development and use of manufacturing technologies which are essential for continued U.S. gains in productivity and industrial competitiveness. The bill also calls for industry participation in the development of advanced manufacturing program strategies through the use of an advisory committee to assure that the infrastructure and new knowledge gained from the program will be effectively utilized by U.S. manufacturers.

ASME has accorded competitiveness a high priority in our 1994 public policy agenda. This letter is written on behalf of the Technology Policy Group, a group of ASME members with expertise in the field of competitiveness, and reflects its views, rather than an official position of ASME.

Again, I urge your support of this legislation to further the nation's industrial competitiveness.

Sincerely,

JOHN PARKER,
Vice President, Government Relations.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEPARTMENT OF AGRICULTURE

Mr. CRAIG. Mr. President, just a few moments ago, the Senate Agriculture Committee marked up what will be

known as the Senate's version of the reorganization of the United States Department of Agriculture. For over 40 years, this marvelous, old establishment of our Government has gone relatively unchanged. And I think most of us agree that to keep pace with modern times, it is appropriate we do look at changing the structure. Secretary Espy brought a managed plan for change before us. We have looked at it and proposed restructuring.

In doing so, I think it is important we in this country do not forget that this phenomenal ability we have to produce food is a result of the productive capacity of American agriculture, and that this productivity has come about because Congress has given America's farmers support in their efforts to produce, and also to do so in an environmentally sound way. We must ensure that our effort to reorganize does not destroy the magic of the American agriculture system, which has become the envy of the world.

The basis of this magical productivity, or capacity to produce, has largely been embodied in private property and the ability of individuals to own and manage private property to their benefit and to that of the rest of the country. We must ensure that, by our actions, the ability of the people to manage their private property is unfettered. We must never deny the value of private property in the name of the environment and the so-called "good of the public."

I hope, in the reorganization effort we just passed out of committee, we are recognizing—more clearly, in my opinion, than the administration—this important responsibility. We must ensure we give direction to all segments, while at the same time making sure our message is clear: That USDA stands for and supports agricultural production in this country, instead of a lot of other alternatives and rather esoteric arguments that I think this administration has become involved in as to what ought to be the role of the U.S. Department of Agriculture.

For example, it has been my concern that in nutrition and environment, which are currently the buzzwords in this administration's role with USDA, they were attempting to direct reorganization in those two directions. Let me reemphasize that our American agricultural capacity today has been based on a USDA that supported production agriculture instead of one that got off into the other businesses of other agencies of our Government.

I think our reorganizational effort, hopefully, today, reminds us our primary role must continue to fall in production agriculture.

Let me also suggest I was extremely pleased today that Senator LEAHY, the chairman of the Senate Agriculture Committee, and our ranking Republican member, Senator LUGAR, allowed

us to also say very clearly that there is a role in reorganization that the USDA and Secretary Espy had been relatively silent to: That in my State of Idaho, or other Western States where there are large U.S. Forest Service contingencies, and certainly large expanses of forest property, that we be very clear in what we expect out of reorganization as it relates to the Forest Service.

We spoke clearly to that today. We spoke about ecosystem management and the continued work to understand what that is and the ability for us to define more clearly what it is. We talked of budget and budget structuring and budget structuring processes in the reinvention of Government as it relates to the U.S. Forest Service, and that that be more clearly defined. We talked about measures of accountability. In other words, we set forth for this administration, I think, respectable and yet fairly clear guidelines as to what we would want them to do inside USDA as it relates to Forest Service reorganization.

Something else we also spoke very clearly to that was of great concern out in Idaho and other States across the Nation is the role of the ASCS, the role of the Soil Conservation Service, and the role of our land grant colleges as relates to agricultural research and the ability of land grant colleges in their important and primary agricultural research role to compete with Federal research.

Today, we "unfuzzed" what I think had been administration policy and clearly spoke to an independent Soil Conservation Service, clearly a farm-service-center approach and also at least equal role for our land grant colleges, colleges of agriculture, and agricultural research services as it relate to the Federal research service.

So, in conclusion, let me say I am extremely pleased with the product that we have now produced. It sends clear guidelines. I think it continues to maintain USDA as a primary support group for the production of agriculture and stimulates agriculture research and all of those interests that we remain strongly interested in.

I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1481

(Purpose: To provide that a nongovernmental person may use a private express for the private carriage of any letter determined by such person to be urgent without being penalized by the Postal Service, and for other purposes)

Mr. COVERDELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. HOLLINGS. If the Senator from Georgia will withhold, I ask unanimous consent that the pending Cochran amendment No. 1480 be temporarily laid aside so the Senator from Georgia may offer his amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from South Carolina.

I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 1481.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee substitute, add the following new title:

TITLE VII—PRIVATE CARRIAGE OF URGENT LETTERS

SEC. 701. PRIVATE CARRIAGE OF URGENT LETTERS.

(a) POSTAL SERVICE ADMINISTRATION.—(1) Section 601(a) of title 39, United States Code, is amended by striking out "A letter" and inserting in lieu thereof "Subject to the provisions of section 607, a letter".

(2)(A) Chapter 6 of title 39, United States Code, is amended by adding after section 606 the following new section:

"§ 607. Administration relating to urgent letters

"In the administration of the provisions of this chapter, chapter 4 of this title, and sections 1693 through 1699 of title 18, the Postal Service or the Attorney General of the United States may not—

"(1) fine or otherwise penalize any person who—

"(A) is not an entity of the United States Government; and

"(B) uses a private express for the private carriage of any letter which such person determines is urgent; or

"(2)(A) create a presumption of a violation by a private shipper or carrier with paragraph (1)(B) or any regulation promulgated thereunder relating to the private carriage of an urgent letter as determined under such paragraph; or

"(B) establish or shift a burden of establishing the fact of compliance by a private shipper or carrier with paragraph (1)(B) or any regulation promulgated thereunder relating to the private carriage of an urgent letter as determined under such paragraph."

(B) The table of sections for chapter 6 of title 39, United States Code, is amended by

adding after the item relating to section 606 the following:

"607. Administration relating to urgent letters."

(b) PRIVATE EXPRESS PROVISIONS.—(1) Chapter 83 of title 18, United States Code, is amended by inserting after section 1699 the following new section:

"§ 1699A. Application of postal service provisions

"The provisions of sections 1693 through 1699 of this title shall be subject to the provisions of section 607 of title 39."

(2) The table of sections for chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1699 the following:

"1699A. Application of Postal Service provisions."

Mr. COVERDELL. Mr. President, the amendment that I have sent to the desk clearly falls within the scope of competitiveness. As we and this Government endeavor to take steps to make American business, both small and large, more effective, one of the principal concerns we have to have is the degree to which the Government has become an obstacle, an intruder, not a partner, but a boss.

There are many issues discussed in these Halls that are immensely complex. This is very simple. Very simple. We have the U.S. Postal Department that is engaged in a process that exceeds its authority, that is intrusive, and is an obstacle for sound business in our country.

We have discovered in recent months the Postal Department has been engaged in a practice of isolating private businesses, intruding on that business, intimidating that business, and fining that business because it is concluding unilaterally that when the business uses a private carrier to deliver a message that it is not urgent.

Under the current statutes and regulations, a private business may use a private carrier to deliver a message if it feels the message to be urgent—if it feels that the message is urgent. The Postal Department has concluded that it alone has the jurisdiction to determine whether the message was urgent or not. I would think that it would be prima facie evidence that if the private business was willing to spend double the money to send it, they thought it was urgent.

The Postal Department should cease and desist. There should be no reason for this amendment. But repeated discussions have left us faced with the proposition that the Postal Department continues to pursue this erroneous policy. Therefore, it is incumbent upon the Congress of the United States to clarify the policy for the U.S. Postal Department and cease and stop this egregious activity.

If I might just take a few more moments, actually the whole matter ought to be moot and just proves to us how far behind the curve this arm of the Government is. I guess they are

still in the fifties. Maybe they have never heard of a fax machine or E-mail or computer internets, or the telecommunications highways we are talking about. Maybe there is not an understanding that the delivery of messages on printed paper is probably only historical moments away from being moot.

Instead of engaging in this intimidating practice, which is giving them another black eye, taking an arm of the Government that already has serious public relations problems and moving on to an investment in developing products that American business wants to use, they have engaged in a bully process of forcing American business to use a system they find flawed.

It is wrong. They do not have the authority to do what they are doing. They are damaging their own public relations. They are interfering with sound business policy, and they are engaged in an activity that is being made moot by the advances in telecommunications.

Mr. President, this is a simple amendment. It is very narrow. It does not damage the monopoly of the U.S. Postal Department, but it tells them to disengage from this activity which they have admitted has no financial ramifications for the delivery of universal mail.

Mr. President, I yield the floor.

Mr. HOLLINGS. Mr. President, as our former President said, here we go again. I have the greatest regard for my distinguished colleague from Georgia, and I understand the idea that he has in mind. I used to serve on the Post Office Committee when I first came to the U.S. Senate. In fact, I was the chairman of the Postal Operations Subcommittee. When they said we are going to put it under Government Operations as a subcommittee, I said I need the staff that was provided at the time. You only have so much time you can give and real attention.

It is a very, very important role. So I have some understanding about the fundamental policy and law itself; namely, that the Post Office system of the United States, which is the oldest department of Government, I say to the Senator from Georgia, the Postmaster General, has what you might call a monopoly on first-class mail. Everyone thinks their letter is urgent. I do not think it is whether it is urgent or not. It is whether or not you are going to have private carriage of the mail in America. And we know what competition does when you compete, compete, deregulate, deregulate.

In that context, yes, it is like the old saying, you hunt where the ducks are. The competition goes where the money is. And where the money is, in the concentrated, easily delivered metropolitan areas of America. Otherwise, in rural Georgia and rural South Carolina and rural Montana, up in Alaska and

other places, you just could not afford to deliver.

So in essence we have all over again the long distance telephonic communications supporting the local. We come around now and we find that the post office balances off all folks' in order to make possible universal, affordable mail service here in America.

Now, break that down under the amendment of the distinguished Senator—and I had not really thought it through recently, but this comes from a memory over 20 years—to the effect that, yes, the private entities that come in, they are very enterprising and they have certain ways of carriage as we know now with the packages, with respect to Federal Express, United Parcel Service, and so on. If you get right into that first-class mail, then the ordinary little family letter, little postcard, little happy birthday card, Christmas card or whatever, to have those things delivered, the price is going to go right through the roof. I think they have now a proposal something like 33 cents for first class mail.

Mr. BURNS. Thirty-two cents.

Mr. HOLLINGS. Thirty-two cents. I stand corrected. I can tell you, of what I understand it to be an initiative or foot in the door, whatever it is, it goes to \$2 and \$3 to deliver just a regular letter, and that is why they have had this provision in law. It is well-founded. It has been tried and true over the many, many years. Under the quasi-governmental entity now of the Postal Service, we have had many a post office closed. It is for you and me in the Senate to leave it alone. People still do not understand it is a Federal crime, a felony, for me to recommend you to be the postmaster, say, of Charleston or for you to recommend me to be the postmaster of Atlanta, GA. We wanted to make sure that we got politics out of the Postal Service, and we went to that extreme, that we would not even have any part in actually recommending those to be the postmaster.

But otherwise, of the substance of the amendment of the distinguished Senator, it could well be heard, debated at another time on a bill by itself in that you see we have over 130 pages here of the Advanced Technology Program, with no mention of any Postal Service or carriage or delivery of mail. We have provisions with relation to the manufacturing centers. We have the intern program of the distinguished Senator from Montana. We have the matter of the information superhighway, some initiatives there for the libraries, the schools, public entities of that nature. We have really a well-conceived bill under the rubric of technology competitiveness, advanced technology program, the commercialization of our technology, and we would like to try to hold it to that.

The Senator has me, in a sense, off base. The Senator is familiar with his

subject. He knows what he is talking about. But we do not have this subject matter in the Committee of Commerce, Science, and Transportation. And as a result here we go again. Open sesame. I think that is really what gets us bogged down as we were yesterday, day before yesterday, and now apparently today in ancillary matters that our colleagues are interested in, vitally interested in, and yet not germane at this particular time on this particular bill.

I do appreciate the Senator coming over because I was asking for an amendment. I was asking for an amendment to the bill and not on post office matters. But let me yield the floor and see if there is further debate.

I wish to make sure that everyone has time to consider it and any speakers that he has in support or otherwise be heard. We are not trying to be arbitrary. But as the majority leader said late last night—we sat around here late last night, and that was in the second day, without a vote—now we have to start moving to take these matters up and, if necessary, force a vote by way of tabling and then, if it is carried, fine, put it on the bill, accept it or otherwise. But I think everyone understands the rules of the game. I appreciate the Senator's interest and his leadership on this particular score. I just have to, as the manager of this bill, try to just hold it to this particular subject matter.

Mr. COVERDELL. Mr. President, I thank the distinguished Senator from South Carolina for his remarks. I understand the issues with which he is confronted in terms of the management of this bill. I also know that he has not had a full opportunity to review the scope of this amendment.

I am not challenging the monopoly statute as related to the Postal Service. I am ratifying and certifying what I believe already to be the law. I believe the postal department has a right to audit private carriers, but I do not believe it has the right to audit private companies with regard to its control over monopoly.

We are talking about a situation where a private business, primarily, is making a decision over whether to pay double or more the price to forward a message to another party. And I do not believe that will wrap its arms around the Christmas card or the wish to your family. Clearly, you are not going to pay double. Our citizens are stepping forward and in a sense paying a special price, which I think is definitional that they have concluded it is an emergency. But I do appreciate the Senator's knowledge of this area, his history in it, and for the purpose of clarification I ask that we temporarily set the amendment aside so we might have further discussion between us on it.

I ask unanimous consent to temporarily set it aside.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, let me ask, even though it might be set aside, just as a matter of interest and education, how do you determine the urgency?

Mr. COVERDELL. Mr. President, the urgency is not defined in the postal department's own clarification, just that they sometime—I guess it was in 1978—in 1978, in deference to the emergence of private carriers, concluded that they could be used if it was an urgent matter; in other words, needed to arrive within 24 or 48 hours or something of that nature. But at that time it was clearly left up to the user to determine whether it was urgent or not. And to ratify or certify my point, you had to pay at least double to do that. So the Postal Service was setting a standard which was monetary. Now they come forward and say even though you met that standard, you paid the additional money, we still do not think it is urgent. They are claiming the right, and I do not believe this Government has given them that prerogative. So all this does is you do not take on the issue of monopoly, but we go back to the original premise that if the private citizen or business was willing to pay the added cost, they therefore had identified it as urgent.

Mr. HOLLINGS. Mr. President, with the set-aside of the Coverdell amendment, what is the pending business?

The PRESIDING OFFICER. The Cochran amendment is the pending business.

Mr. HOLLINGS. I think we almost have enough time. I am double checking to find exactly where it is. Pending that check, I think, once again, in answering questions relative to this particular measure, the studious and very deliberate approach to the actual financing of this program and awards to be made cannot be overemphasized.

It is unfortunate that the distinguished Senator from Missouri, my ranking member, in the early stages used the word "pork," even winners and losers. For the truth of it is, whether it is the industry itself, there are not any losers. That industry has to come in and pick itself, not the politician picking. That is absolutely crystal clear. There is no misunderstanding in this particular bill.

With respect to the matter of pork, we also said, No. 1, the industry has to put up at least 50 percent. And under the past 2 years, they have averaged nearer a 65 to 70 percent industry share in the particular endeavor. Then there is the final hurdle of approval by the Academy of Engineering.

Right to the point: I have the subcommittee of State, Justice, Commerce. I have the subcommittee of ap-

propriations. I have been in this appropriations work for over 20 years. I know how it works. I know how the demands come to put in a particular project. In fact, I have had good colleagues on the other side of the aisle say, put this in, put that in, and I have said we are not going to have a bill if we start including anything.

I worked this out with Senator DANFORTH, my ranking member, and other interested Senators. You have to go on the regular merit basis and peer review basis if you are going to get a center. It has to come through a competitive fashion, and go through all the particular hoops there if you are going to get an advanced technology program. It has to be peer reviewed by the National Academy of Engineering.

So I have been sort of standing there saying, no, it is not going to be. That is why I am very sensitive about somebody claiming that we have a bill here that will deal out moneys "hither and yon." It cannot be dealt out in that fashion. Otherwise, there are really not those amounts involved.

Mr. President, I ask unanimous consent that the schedule of a summary of appropriations in S. 4 be printed in the RECORD at this particular point.

There being no objection, the material was ordered to be printed in the RECORD as follows:

SUMMARY OF AUTHORIZATIONS IN S. 4 FLOOR VERSION,
WITH COMPARISONS TO FISCAL YEAR 1994 APPROPRIATIONS
AND THE FISCAL YEAR 1995 REQUESTS

(In millions of dollars)

	FY 1994 appro.	Bill FY 1994	FY 1995 request	Bill FY 1995	Bill FY 1996
DOC PROGRAMS					
Under sec tech	6	20	11	75	83
Under sec	(6)	(6)	(11)	(11)	(14)
Additional ¹	(0)	(12)	(0)	(14)	(19)
Financing	(0)	(2)	(0)	(50)	(50)
National tech info service	0	0	18	20	20
NIST funding	520	548	935	991	1,150
Laboratory	(226)	(241)	(316)	(320)	(350)
ATP	(199)	(200)	(451)	(475)	(575)
Extension	² (30)	(40)	(61)	(70)	(100)
Quality	(3)	(2)	(7)	(10)	(10)
Facilities	(62)	(62)	(100)	(110)	(112)
Wind enrg and environ constr	(0)	(3)	(0)	(6)	(3)
DOC subtotal	526	568	964	1,086	1,253
OTHER PROGRAMS					
New NSF manuf	0	50	0	75	75
Info tech ³	0	108	209	150
.....	526	726	1,370	1,478

¹ Additional Technology Administration activities includes technology training clearinghouse, policy experiments related to intelligent manufacturing, and competitiveness assessment and technology monitoring.

² During fiscal year 1994, NIST also will manage approximately \$33 million worth of extension/deployment projects funded by DOD's Technology Reinvestment Project.

³ New authorizations (do not include cases in which sums are authorized out of the amounts already authorized): fiscal year 1995 request numbers is forthcoming.

Mr. HOLLINGS. Mr. President, just noting from that summary, the bill for 1994 over 1995, the laboratory of the National Bureau of Standards, there is no pork there. But that goes up from \$241 million to \$316 million. But that is not going out to South Carolina or to California or to anybody that helps them in the election or any pork.

The Advanced Technology Program, yes, it goes up from \$200 million to \$451 million. But as I said, it is not the Senator from South Carolina or the Secretary of Commerce or somebody saying it is good to put some money in South Carolina or California to help politically in that regard. Not at all. On the contrary, the request has to come from the industry. It might not have any requests from the State of South Carolina. It might have them all from the State of Wisconsin.

So, fine, business. If an industry located in Wisconsin feels that way and thinks they have a valid project for the advanced technology and need a little assistance from the Government, and if the National Academy of Engineering and its peer review also finds that is the case, then they go forward with it.

There they are. That is the extension services. It is not pork. I mean that is just to get the matters out there from \$40 million to \$61 million. Of course, they have some other projects in here relative to assistance with the Information Highway. But these are the increases here. Overall, it goes from \$726 million to \$1.37 billion and still is less than 22 percent of the entire \$70 billion spent on research.

Admittedly, some of those programs have found themselves into what people might call pork in that they have been written into certain bills to have it at this particular college or that university or whatever else it is. But these programs have really been virtuous, you might say, in the context of these hurdles and the study and the competitiveness of the very nature in which an award is made.

I truly want to emphasize that because I keep asking about this bill that you have that is going to help you do this or help you do that. The truth of the matter is it is going to help all of industry. It is no particular industry. Since they asked me about the principal industry in my State, I want to tell you the actual experience in the textile industry making application to the Advanced Technology Program. Year before last and last year in the early part of the year, they were turned down. They did not pass peer review. Their program involved a computerized approach to the actual flow of goods to eliminate excessive manufacture of textile products or apparel wear.

I was a little chagrined because, as I say, here I am the chairman of the Commerce Committee, here I am the chairman of the appropriations subcommittee, here I am really the author of the bill. But you live by the sword, you die by the sword. It is a well-conceived program. I went along, obviously having to go along, with the peer review process, and the project proposed at the Department of Commerce last year in my own backyard was refused. It was not just for South Caro-

lina textiles, but textiles all over the country. But I would have been a principal beneficiary if that had gone through.

Mr. President, they went to the Department of Energy. Over at the Department of Energy they went out to the Livermore Lab in California. If you look at the Energy Department, they have in excess of \$6 billion in research there, and then on a matching deal fashioned together a \$350 million research program. Heavens above. For the entire country under this little program right now of the ETP, \$200 million going to \$451 million for all of America and all of the program peer review; here is this one program. They put it in; got together with the Livermore for a \$350 million program.

If colleagues on the floor are interested in pork and the politics of legislation, I would yield to them on going ahead and review some in the Department of Defense, review some in the Department of Energy or wherever it is. But this is a program that was initiated only on the trade bill with overwhelming support. It passed unanimously year before last because it was not pork. There was not any earmarking. There could not be any earmarking of the funds under this law.

I have the same concern that others have with respect to just writing in these particular projects and programs, but as not just of the Commerce Committee, the author of the bill, but as chairman of the appropriations subcommittee, I said, "No way, Jose." We are not playing that game on this one. It is up to industry and peer review. And this chairman, who is supposed to be in charge politically, finds out that you are not in charge of anything. But you ought to have a little bit of influence. That did not work at all. I supported that application. But it did not pass muster. But they did go to the Department of Energy.

So do not come around and ask me about pork in the Commerce Department on the Advanced Technology Program and the Manufacturing Extension Centers. There is none in this bill.

I suggest the absence of a quorum—I will withhold that.

Mr. PRYOR. I wonder if the distinguished Senator will refrain for a moment.

Mr. HOLLINGS. Yes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

AMENDMENT NO. 1481

Mr. PRYOR. I want to speak just a moment, Mr. President, on an amendment that has recently been sent to the desk—I think, within the last few minutes—offered by the distinguished Senator from Georgia [Mr. COVERDELL].

Mr. President, I am urging my colleagues right now to look very, very carefully at the Coverdell amendment. We do not know what the Coverdell

amendment does. We do not know what the ramifications of the Coverdell amendment might be. We do not know what real threat to the revenue base the Coverdell amendment might have to the U.S. Postal Service. We have no way of knowing what the Coverdell amendment, if adopted, if enacted, would have on, for example, the vitality of our hundreds and hundreds of rural post offices in America.

So, Mr. President, I am asking my colleagues to pause a moment, to take a second look at the Coverdell amendment, and to ultimately, when we get the opportunity later, vote to table this particular proposal.

As a matter of fact, Mr. President, only 2 days ago, I prepared a letter to the Honorable Charles Bowsher, the Comptroller General, asking him—the GAO—to take a very thorough look into the postal fairness, which is basically what the Senator from Georgia is attempting to weave into what we now know as the Competitiveness Act, S. 4, the pending major legislation on the floor.

I think that we should, one, wait for the General Accounting Office report on all facets of what would result should such an amendment or such a proposal be integrated into this legislation.

Second, I have asked Senator COVERDELL—and he has been asked by others—to appear before the Governmental Affairs Committee on March 24, 2 weeks from now, to testify on his proposal. Have we had a hearing on this legislation? No. Have we had any sort of a discussion, an in-depth discussion, on what might happen if private carriers could basically carry and deliver the mail? No. We have no way of knowing, Mr. President, what we would be stepping off to should the Coverdell amendment be enacted.

Let us have this hearing on March 24. Let us look at the pros and cons of what the distinguished Senator from Georgia is proposing. Let us get a response from the General Accounting Office, which we have requested Dr. Charles Bowsher to engage in. Then, let us put the facts on the table and let the U.S. Senate and the House of Representatives and the process itself govern what we should do about this particular proposal and this particular theory of delivering mail to the 260 million people in this country.

Mr. President, I am not saying today that I am going to ultimately, for the rest of my life, oppose what Senator COVERDELL is doing. I may join him at a later time, but I am not sure I will do that. I certainly want to see the facts. I think each of my colleagues on the floor of the Senate, who will be voting on this very major change in the Postal Reorganization Act of 1973, are going to want to seriously study what the Senator from Georgia is doing. It is not going to really hurt anyone or hurt

anything for us to just pause a moment, Mr. President, and to relook at what the Senator is proposing.

I urge my colleagues to ultimately vote for the motion to table the Senator's amendment.

Mr. President, I thank my colleague from Alabama. I think he was on his feet before me, and he allowed me to precede him. I am indebted to him.

I yield the floor.

Mr. SHELBY. Mr. President, I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SHELBY. I thank the Chair.

(The remarks of Mr. SHELBY pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SHELBY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RANGELAND REFORMS

Mr. WALLOP. Mr. President, the Senate will well remember the struggles that it was put through last fall in the so-called debate on rangeland reforms. Senators from public land States and others assisted each other in seeing to it that the Reid amendment to the Interior appropriations bill—that package of 29 pages of proposed law and other things—did not become law.

Since that time, the Secretary of the Interior has made conciliatory remarks, saying that he understood the need for working with all parties involved. I have a number of quotes from the Secretary here.

"I really did underestimate the intensity," he said, and then chided himself for allowing special groups in Washington to tie up his original rangeland reform package.

If I made a mistake it is because the Washington interest groups, national environmental organizations really have a stake in fueling fires * * *. When I am selling big reforms I have got to be down in the dirt. I really have to be out there and do the hard work of building from the ground up.

Mr. President, it is true the Secretary went to Colorado and a number

of other Western States and it is true somewhere or another he has managed to put together a proposal. It is also true he has promised there would be congressional hearings. But he has said he would work with these groups to put the proposal together and in fact he has, now, demonstrated that he will not.

All of us who are interested in the proposal and even some who may not be, will have seen the so-called leaks that were in the papers about the contents of this new rangeland reform proposal. Some of us were willing to accept his word that they were leaks. The Senator from Colorado [Mr. CAMPBELL] wrote a sternly worded letter to the Secretary saying he felt essentially betrayed, that he, the Secretary, had promised Senator CAMPBELL that he would give him a briefing on these things before it was released.

The Secretary's response to the Campbell letter was: "I couldn't possibly have known about this. I have been betrayed by leaks in my office, et cetera, et cetera. I will make it up to you."

One of the weird things is that a draft proposal is known to exist and the chairman of the Senate Energy Committee, Senator JOHNSTON from Louisiana, and myself, have asked the Interior Department if we can see it and we have been told no. We can go down and look at it. Yet, again they say these were leaks and they were not intentional.

I have here a memo from Kevin Sweeney, the Director of Communications. The headline of the memo says, "United States Department of Interior, Office of the Secretary."

The memo, by the way, goes to Mr. Larry Werner with Senator REID; Mr. John Lawrence with Representative MILLER; Mr. Rick Healy with Representative VENTO; Sandy Harris, Ruth Fleisher with Representative SYNAR. The memo says:

Attached is a draft press release regarding one element of the proposed grazing rule: standards and guidelines. At this point, we hope to issue this release at a press conference on Monday, March 7.

Listen to this paragraph.

I realize you will meet tomorrow to discuss the proposed rule. If that meeting leads to substantive changes in the standards and guidelines section, the press release will of course change as well.

Please check the attached and call me with any comments, criticisms or specific edits.

Mr. President, this memo says that the Office of the Secretary is not telling the truth. This comes right out of his office and these people did not have the draft leaked to them. They were part of drafting it.

If we cannot as representatives of the affected States—and I am talking about a bipartisan group, I am talking about the Senator from Colorado as well—be involved in this thing in an honorable and upright and forthright

way—we do not have to win, but we really need to be told the truth. The Secretary is more likely to get something that will benefit the economies of the West, the people who are inhabitants of the West, the public lands of the West, and those interested in them by putting together an honest-to-God group of people who are willing to work on these problems than to narrow it back down to the same small group of people who created the problem that he confronted last year.

I do not know. I do not know whether I approve or disapprove. We have not seen the proposal. And he says those that have seen it have had it leaked. But this memo says they are drafting it. This is not the broad-based group that the Secretary claims to have his credits from.

Let me say there was his chief of staff, was out in Wyoming, a Mr. Collier. This was on the 8th, Tuesday, in Cheyenne WY. I quote:

We didn't start off on the right foot because Interior did not listen closely enough to local concerns, Collier said at a meeting. * * *

Interior Assistant Secretary, Bob Armstrong told the group that the new proposal "gets closer to the ground than Washington has been in the past.

My point is this. These are issues that affect the citizens of our States, Republicans and Democrats alike. Whether the Secretary likes it or not, America still is a democracy. The representatives elected from those States represent those people. They are not entitled to win, but they are entitled to be courteously treated and to be part of the discussion. Their views are entitled to be heard. They ought to be heard. And for the Secretary to claim leaks when, in fact, they are not leaks but they are contrivances, connivances of people trying to put together a program that affects the livelihoods, not just of ranchers, not just of cattlemen and wool growers, not just oil producers and timber operators, not just miners and people who have water—but, Mr. President, the counties of my State depend on the ad valorem taxes raised off of the multiple use of those lands, the production of resources. Our schools depend on them. Our county fire departments depend on them. Our airports depend on them. The bridges, the hospitals, the community colleges and the university depend on them. And all kinds of people, Republican and Democrats, live in those counties and abide with each of those events.

These people are entitled to better treatment than they have had.

I ask unanimous consent the March 3 memo I quoted and the article from the Star-Tribune be printed in the RECORD.

I yield the remainder of my time, and ask Senator DOMENICI be permitted to speak.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR.

Washington, DC, March 3, 1994.

Re possible announcement on standards and guidelines.

To: Larry Werner, w/Sen. Reid; John Lawrence, w/Rep. Miller; Rick Healy, w/Rep. Vento; Sandy Harris, Ruth Fleisher, w/Rep. Synar.

From: Kevin Sweeney, Director of Communications.

Attached is a draft press release regarding one specific element of the proposed grazing rule: standards and guidelines. At this point, we hope to issue this release at a press conference this Monday, March 7.

I realize you will meet tomorrow to discuss the proposed rule. If that meeting leads to substantive changes in the standards and guidelines section, the press release will of course change as well.

Please check the attached and call me with any comments, criticisms or specific edits. I can be reached at 208-6416.

[From the Star Tribune (WY), Mar. 8, 1994]

INTERIOR STAFFER: NEW RANGE PLAN GIVES CONCESSIONS

(By Hugh Jackson)

CHEYENNE.—Interior Secretary Bruce Babbitt hopes his latest grazing reform proposal will placate the concerns of the agriculture industry, Babbitt's chief of staff said Monday.

"I hope you will note the number of places we have made changes, and the direction we have made those changes in," said Tom Collier, chief of staff at the Interior Department.

Babbitt's earlier grazing reform proposal was aggressively opposed by people who hold grazing leases on public lands, and eventually torpedoed in the U.S. Senate.

"We didn't start off on the right foot" because the Interior did not listen closely enough to local concerns, Collier said at a meeting at the Capitol building in Cheyenne.

Collier, Interior Assistant Secretary Bob Armstrong, Gov. Mike Sullivan, and several representatives of the ranching industry and conservation groups who met with Babbitt in Cheyenne Feb. 2 convened again in the Capitol Monday to hear Collier outline Babbitt's revised reform proposal.

Babbitt's latest proposal offers a number of changes from the initial plan, with the idea of offering more local control to leaseholders, Collier said.

The new plan also included a smaller hike in grazing fees and proposes incentives for lessees whereby the increase can be offset if range improvements are made.

RANCHERS NOT CONVINCED

Several ranchers at the meeting with Collier expressed wariness at the new proposal, particularly regarding how an incentive program would be monitored, and who would determine incentive eligibility.

Armstrong told the group that the new proposal "gets closer to the ground than Washington has been in the past."

Environmentalists have criticized the Clinton administration, saying it has caved in to western commodity interests. Interviewed after the meeting, Armstrong dismissed the suggestions that the latest reform proposal was another example of acquiescence to industry.

"You can say it's compromise if you want to. What it is is people getting together and figuring what you ought to do. I don't see that as compromise. I see that as the fact that people have a burden of proof to show us where we're wrong, and if they show us

where we're wrong, we'll change," Armstrong said.

"We have a burden of proof to show what we want to do, and to see if this is right. What we're trying to do is figure out whether we have met that burden of proof or not," he added.

Truman Julian, who leases public lands in southwestern Wyoming and is vice-president of the National Public Lands Council, said after Monday's meeting that the Interior Department is using a different approach to range reform by trying to bring in local voices.

"But I guess until I see the entire package, I'm not too sure that anything has changed much," Julian said.

Environmentalists representing the Wyoming Wildlife Federation, the Wyoming Outdoor Council, and the Powder River Basin Resource Council said little during the meeting.

LOCAL CONTROL AND FEE BREAKS

The latest proposal gives state Bureau of Land Management directors, in consultation with the local resource advisory councils the authority to set state-by-state standards and guidelines governing some land management practices, such as seasonal use restrictions and pesticide use.

The proposal also includes broad, national requirements for healthy ecosystems, riparian maintenance and protection and compliance with both the Clean Water and Endangered Species acts. It remains to be seen what those requirements will mean to leaseholders, Julian said.

The higher grazing fee will hurt the industry, Julian added.

The earlier Babbitt grazing fee structure called for a top rate of \$4.28 per animal unit month.

Under the latest proposal, the fee will be phased in over a three-year period, rising from the current \$1.92 per AUM to \$2.75 in 1995, to \$3.50 in 1996 and \$3.96 in 1997.

If lessees can take measures to improve the range conditions, they will be eligible for a 30 percent reduction in the fee, under the plan as outlined by Collier Monday.

Although Babbitt's opponents have repeatedly said that a higher grazing fee itself is merely symbolic of the larger changes the Clinton administration wants to impose on lands use in the West, Julian said the fee issue is extremely important, especially to the sheep industry.

"Add two dollars on to that thing, and losing everything else that we're losing, and all the other problems we've got, I don't think I can take it," Julian said.

Steven Horn, the dean of Agriculture at the University of Wyoming, said at the meeting that the UW Agricultural Economics Department recently finished a study which shows that a grazing fee as high as \$2.46 would be too high for ranchers to make a profit from grazing livestock on public lands.

Collier questioned the study validity, however. Interior Department data indicates that for 72 percent of Wyoming lessees, the annual increases will amount to less than \$1,000 per year, he said.

Armstrong said that an economic analysis for an existing ranching operation in Colorado showed that the entire costs per animal unit month, including all expenses from grazing fees to dog food, amounted to \$16.05.

The higher grazing fees proposed by Babbitt would raise that total to \$16.88, with the incentive.

"It would seem to me that that increase is pretty easy on a person who applies for that incentive," Armstrong said.

RECOGNIZING BIOLOGY

Sullivan, meanwhile, suggested that the number of sheep included in the animal unit month formula should be increased from its current five to reflect the hard times faced by the industry.

Dale Strickland, president of the Wyoming Wildlife Federation, noted that the animal unit month is supposed to represent how much forage is consumed on the land either by a cow and her calf, or the equivalent—five sheep.

Collier agreed that biology has "got to be the major factor" in establishing the AUM. But Collier said perhaps the livestock numbers should be re-evaluated to determine if five sheep is the appropriate number.

THE PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for no longer than 10 minutes as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

GRAZING FEES PROPOSAL

Mr. DOMENICI. Mr. President, I rise to really ask the Secretary of Interior a very simple question: What is going on? Frankly, whether or not the Secretary succeeded in the State of New Mexico in getting together with the so-called both sides of the so-called grazing issue is not really relevant. Maybe that did not work as he wanted it to. But I take him at his word, that he is really trying to work with people affected at the local level. The Secretary and his spokesman have claimed to come up with a policy and a set of rules and guidelines that will take into account the problems those who use the public domain are having with his original proposals and even with the proposals that were defeated in the U.S. Senate.

I thought that is what the Secretary and his people were busy doing. Frankly, I hope that is still what he is doing. But I do not understand how we have stories in the news media of broad dissemination, that are talking about what is in the Secretary's proposals. These news stories are variously categorized from pro-user to anti-environment, to giving the local communities and regions more authority, to being chastised by some as giving away the reform.

When a Senator like the Senator from New Mexico asks what are they talking about, I am told there is nothing to talk about yet. I am told there is no program yet. I am told when we are ready we will let everybody see it, or at least a broad spectrum will see it.

The Senator from New Mexico was even told the other day, "Don't worry about it. All your people will see it in plenty of time." Inferentially, they were not too sure I was going to. That is the way I took it, but they inferred that our people would.

I do not know if the Secretary knows from whence comes the Washington Post article, "Revised Grazing Proposal Makes Concessions to Livestock Interests," and the March 5 article, both of which I want to put in the RECORD, "Four Lawmakers Fault Babbitt's Grazing Plan." By the way, they are the four who opposed what we tried to do in the Senate last fall. In fact, three of them were for more major changes than Senator REID's proposal in the Senate. But they are commenting specifically on a program and rules that allegedly give the grazing permittees more than they deserve.

The Secretary continues to tell us that "the rules are not made, the plan is not completed; we are still doing it; it is sort of our internal problem yet." Frankly, I believe this time the Secretary ought to just take a look at the file in his own office, the Office of the Secretary, and look at a memorandum that is dated March 3 that did not have to be leaked, Mr. President, because it is directed to John Lawrence of Representative MILLER's office from the Secretary's Office.

I have nothing against any of these people. They are all fine Members of Congress, and these nonmembers probably represent the four Members' offices very well. Rick Healy, who is with Representative VENTO; Sandy Harris with Representative SYNAR. This memo is directed to them, and in it, it is suggested that here is a press release regarding part of this plan. There are even blanks in this press release as to whose names they are going to put in saying what about this plan. Then there is a very interesting paragraph. The memo says to these four—three representatives and a Senator:

I realize you will meet tomorrow to discuss the proposed rule. If that meeting leads to substantive changes in the standards and guidelines section, the press release will of course change as well.

I ask unanimous consent that that memo be printed in the RECORD, with the attachments.

There being no objection, the memo was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, March 3, 1994.

Re possible announcement on standards and guidelines.

To: Larry Werner, w/ Sen. Reid, John Lawrence, w/ Rep. Miller, Rick Healy, w/ Rep. Vento, Sandy Harris, Ruth Fleisher, w/ Rep. Synar.

From: Kevin Sweeney, Director of Communications.

Attached is a draft press release regarding one specific element of the proposed grazing rule: standards and guidelines. At this point, we hope to issue this release at a press conference this Monday, March 7.

I realize you will meet tomorrow to discuss the proposed rule. If that meeting leads to substantive changes in the standards and guidelines section, the press release will of course change as well.

Please check the attached and call me with any comments, criticisms or specific edits. I can be reached at 202-6416.

GRAZING STANDARDS AND GUIDELINES TO BE REGIONAL, DRAFTING WILL BE DONE IN WESTERN STATES

Interior Secretary Bruce Babbitt today announced a proposal that would require ranchers to meet standards and guidelines, written and implemented at the regional level, when grazing livestock on lands controlled by the Federal Bureau of Land Management (BLM). The announcement represents a significant shift: in August, Babbitt proposed standards on a national scale, rather than the local scale that is now proposed.

The proposal will be included in draft regulations expected to be released in early March. Babbitt has spent much of the past three months in the West, attending scores of meetings on grazing issues.

BLM state directors will coordinate the drafting of standards and guidelines. In doing so, they are to work closely with the Multiple Resource Advisory Councils proposed last week by Babbitt. Before becoming final, standards and guidelines must be approved by the Secretary of the Interior.

"BRINGING GRAZING POLICY HOME"

"The West has never been against specific standards and guidelines to govern conduct on the range," said Babbitt. "What we were against was having the standards imposed by people in Washington who don't understand how things work on the ground. We were against using national standards that don't reflect different conditions in the various Western states."

"Secretary Babbitt heard our concerns and changed his original proposal," said Babbitt. "Now we will have state standards and guidelines promulgated with local input by those who know the range."

"Once again, our focus is on shifting more management decisions to a place closer to the land," said Babbitt, referring to the decision to shift from national standards to regional ones. "This is another step in the process of bringing grazing policy home to the American West."

"Ranchers and others constantly told me that national standards would not bring lasting improvements to the public range," said Babbitt. "They said 'cookie cutter rules' won't work out West, that our best changes at success would come not from national approaches, but from regional ones. Once again, I agree with them."

"Denying this fact denies the culture of the West," said Babbitt. "Any plan developed in Washington, without significant local input, will have trouble succeeding on the ground out West—and that is where it matters."

Babbitt also said regional standards and guidelines acknowledge that there are great differences across the region, saying "the West is not one monolithic region."

RANGELAND CONDITIONS CALL FOR STANDARDS AND GUIDELINES

"Since our original proposal six months ago, I've heard from countless ranchers who agree on the need for standards and guidelines," said Babbitt. "Most realize it won't affect their pocketbooks in any way. And most are relieved that the handful of bad actors on the range would finally be held accountable."

While discussing the need for standards and guidelines, Babbitt noted that assessments of rangeland condition have varied

widely in recent years. He cited an Environmental Protection Agency study which asserted that "extensive field observations in the late 1980's suggest riparian areas throughout much of the West were in the worst condition in history." He also pointed to a recent National Academy of Sciences (NAS) study, which underscored the need for more data on public range conditions. At the same time, the NAS report said standards and guidelines were an urgently needed tool for range management.

"The simple fact is that our rangelands are in great need of improvement, and many ranchers across the West have proven they are up to the task," said Babbitt.

Babbitt singled out the green strips along rivers and streams in the West as areas of special focus, saying "riparian areas are among the most resilient ecosystems on public lands. If given a chance, they can come back to their full, healthy state."

"Elevated standards, in riparian zones and elsewhere, given us a chance at real success," said Babbitt. "They remind us that success need not be defined simply in terms of staving off inevitable decline or in holding back damaging trends. Success, in this endeavor, can be defined in far more positive terms: we can restore the public rangelands to their greatest potential."

"Many ranchers accepted this challenge long ago, and have met it," Babbitt said. "But as we focus the resources of a government agency, it is clear that, in all the areas of public land management, there is no greater chance of true restoration, at as small a cost, as there is with the management of our public rangeland uplands and riparian zones."

"I would have preferred national standards and guidelines because countless reports show the public range is in poor condition," said —. "We'll never change that unless we set tough standards. Still, I think this proposal is a positive step, and is one that can help bring about significant improvement in the health of our public range lands."

NATIONAL REQUIREMENTS

Babbitt outlined four national requirements that regional standards and guidelines must meet.

(1) Grazing practices must enhance or maintain properly functioning ecosystems.

(2) Grazing practices must enhance or maintain properly functioning riparian systems. Babbitt said this "special focus on riparian zones brings attention to those areas which have suffered the greatest damage—but which also have the greatest potential for recovery."

(3) Grazing management practices must be implemented to protect public health and welfare, and must help maintain, restore or enhance water quality. Water quality on allotments must meet or exceed State water quality standards. "All BLM permittees must play by State rules in this area," said Babbitt.

(4) Grazing practices must assist in the maintenance, restoration or enhancement of habitat for threatened or endangered species and must also give consideration to those species which are candidates for listing. Babbitt said this kind of focus "can help us avoid the kind of train wrecks that have helped make other public resource battles so contentious."

The standards represent the most basic legal mandates under the Taylor Grazing Act, the Federal Lands Policy and management Act, the Endangered Species Act and the Clean Water Act.

REGIONAL STANDARDS AND GUIDELINES

State standards must address soil stability and watershed function, the distribution of

nutrients and energy, and plant community recovery mechanisms.

In those cases where existing management practices fail to meet the four requirements and the State standards, the BLM land manager would be required to take action prior to the start of the next grazing year. The regional guidelines would provide direction for that action, and must address the following.

Grazing management practices must assist in recovery planning for threatened or endangered species in the area, and should work to prevent listings.

Grazing practices must be designed to protect the public health and welfare, and must restore or enhance water quality so that it meets or exceeds State water quality standards.

Grazing plans should consider such issues as the timing of critical plant growth and regrowth. Consideration must be given to periods of rest for livestock grazing.

Plans must address situations in which continuous season-long grazing would be consistent with achieving properly functioning conditions.

The selection criteria and design standards for the development of springs, seeps and other projects affecting water and associated resources must maintain or enhance the ecological values of those sites.

In those areas where grazing may be authorized on ephemeral rangelands, a criteria for minimum levels of production must be set in advance. Likewise, standards must be set for the minimum level of growth that is to remain at the end of the grazing season.

Criteria must be developed for the protection of riparian-wetland areas. This includes the location, or the need for location or removal, of stock management facilities that may be outside of the riparian area itself. These include such facilities as corrals, holding facilities, wells, pipelines and fences. Consideration must also be given to the modification of livestock management practices, such as salting and supplement feeding.

Plans must have utilization or residual vegetation targets which will maintain, improve or restore both herbaceous and woody species to a healthy and vigorous condition. They must facilitate reproduction and maintenance of different age classes in the desired riparian-wetland and aquatic plant communities. They must also leave sufficient plant litter to provide adequate sediment filtering and dissipation of stream energy for bank protection.

BLM state directors would work closely with the Multiple Resource Advisory councils to draft the standards and guidelines. A state will be the smallest level at which such standards are to be written, but once that task is accomplished, standards and guidelines can be subsumed into regional sets, thus allowing for consideration of ecosystems that cross state borders.

FALLBACK STANDARDS

While these standards and guidelines are being drafted at the State or regional level, a "fallback" set will be drafted at the national level. In those states where the BLM director is unable to produce, within 18 months, standards that meet the Secretary's satisfaction, then the fallback standards and guidelines will be used. BLM State Directors will have the option of revising these fallback standards and guidelines to provide a better fit in their State.

"Our hope is that the fallback standards will not be utilized in any state," said Babbitt. "Nonetheless, they provide an incentive for those involved at the state level to

produce reasonable standards that match their region."

RIPIARIAN FOCUS

Since discussions of range reform first began, Babbitt has placed special emphasis on riparian zones.

According to a 1990 study by the Environmental Protection Agency, "extensive field observations in the late 1980's suggest riparian areas throughout much of the West were in the worst condition in history." Other studies show that between 70 and 90 percent of the natural riparian ecosystems in the contiguous United States have been lost because of human activity.

Riparian zones play an essential role in supply and purifying water for human consumption throughout the West. They also provide essential habitat for wildlife. For example, 82 percent of breeding birds in Colorado occur in riparian zones, 75 percent of all wildlife species in southeastern Wyoming depend on riparian areas, and 51 percent of all bird species in the southwestern states are completely dependent on riparian areas.

Mr. DOMENICI. Mr. President, I merely ask the Secretary, what is going on? Are we Members of the Congress? Can only a very few Members comment on this rule in private, as is implied in this memo? "After you meet, maybe the rule will be changed," this memo says, "in which event we will change the press release," the memo says. Is that the way the Secretary is going to handle working with the West, working with those who are affected, sending a memo like this? Maybe he does not know it went out.

Nevertheless, we cannot sit around, even those who want to help. The Secretary does not have any reason to believe that what he finally approves of might not be something I may want to help him with. I know from the beginning that I cannot get everything I want for the ranchers and multiple users. But I do not want to be dealt out, and I think this is a way to deal us out. And, Mr. Secretary, I think it is more than just dealing out those in the Senate who apparently are opposed to this program. Maybe that is all right, but how can you deal out the people you say you are dealing with? You are supposed to be dealing with the users and everybody else out there, then you meet with another group and say, here is the suggested way we are going to handle it. Another group of three Members of the House and one Member of the Senate. I do not think it is right. I think the Secretary ought to take a look at this situation and maybe call a few of us together and, as I indicated, just tell us what is up.

Mr. President, I ask unanimous consent to print in the RECORD the two articles which I referred to during the course of my statement.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 1994]

REVISED GRAZING PROPOSAL MAKES CONCESSIONS TO LIVESTOCK INTERESTS

(By Tom Kenworthy)

Interior Secretary Bruce Babbitt, stung by a western political revolt against his plans

to overhaul grazing policies on federal lands, will soon unveil a revised proposal that makes controversial concessions to western livestock interests and their political allies.

Under the new blueprint for managing sheep and cattle grazing on about 264 million acres of public lands, a draft copy of which was obtained by The Washington Post, the federal government would delegate considerable authority over many fundamental range management decisions to state and local advisory groups.

Another disputed aspect of the plan involves the fees charged to land users. The new fee structure would raise monthly grazing fees—the amount ranchers pay per animal—from the current level of \$1.92 to \$3.96 over three years. Last August, Babbitt has proposed a top rate of \$4.28.

But the final increment of the phased-in increase would not go into effect unless the administration has by 1997, designed a new "incentive fee system" intended to reward stockmen "who have improved rangelands and contributed to healthy, functional ecological conditions" by such actions as protecting stream areas and valuable wildlife habitat.

To some critics, that provision is an open invitation to administration opponents in Congress to launch a renewed fight over grazing in the presidential election year of 1996, when the White House would be even more sensitive than it is now to congressional Republicans * * * blocking that incentive plan, it would leave the highest possible grazing fee at \$3.50, rather than \$3.96.

Babbitt's new proposals, contained in a 200-plus-page set of draft regulations now being circulated on Capitol Hill and elsewhere, were developed following a bitter congressional fight last fall. The Senate blocked legislative enactment of Babbitt's original plan, and Babbitt then promised to implement the overhaul by administrative means.

But during the last fall and winter Babbitt traveled extensively throughout the West to meet with groups and individuals affected by grazing policies, and decided that any new plan would have to involve less command and control from Washington and more decision making by local groups. He was particularly swayed by a series of eight meetings with a group of ranchers and environmentalists convened by Colorado Gov. Roy Romer (D).

The concessions contained in the new plan, however, are already drawing fire from some of the administration's strongest allies, both in the environmental community and among congressional Democrats, who believe that many western rangelands have been degraded by overgrazing and other destructive practices.

Four key Democrats who long have been involved in grazing issues—Sen. Harry M. Reid (Nev.) and Reps. George Miller (Calif.), Mike Synar, (Okla.) and Bruce F. Vento (Minn.)—met with Babbitt on Feb. 23 and strongly protested the direction the grazing overhaul was taking.

"It's terrible," said one congressional source of the new Babbitt plan, arguing it would do little to erase western opposition to the overhaul while antagonizing the administration's traditional allies. "This is the Neville Chamberlain approach. They really think they can appease these people into support."

An Interior Department spokeswoman said yesterday that the draft plan could still undergo some revisions before being published. Consultations with congressional Democrats are continuing.

At the heart of the draft proposal are recommendations prepared by * * * would play a key role in developing range management plans and usage standards. Nominated by governors, the members would be appointed by the Interior secretary.

Under the terms of Babbitt's new plan, local councils would have the power to appeal to the Interior secretary if federal range managers do not accept their recommendations. This power, environmentalists and others argue, could lead to intimidation of professional land managers, and bog down the Interior secretary in an endless series of local land management decisions.

Critics also say it is unwise to accept the so-called Colorado model without first trying it in a pilot program to test Babbitt's theory that ranchers, environmentalists and local officials can work collaboratively to resolve their differences.

Other changes from Babbitt's original plan of last summer include the exclusion of national standards and guidelines for range management. In their place are recommendations to aid in development of guidelines and standards at the regional or local level, in consultation with the resource advisory councils. Though there would be some federal standards in place during the 18-month period for the development of local prescriptions, state Bureau of Land Management directors could ask the interior secretary for a waiver.

Environmentalists who have reviewed the draft also say that the new plan could make it harder for people other than ranchers to be given official status to comment on and influence such range management decisions as how many cattle can be put on an individual grazing allotment each year.

[From the Washington Post, Mar. 8, 1994]

FOUR LAWMAKERS FAULT BABBITT'S GRAZING PLAN

(By Tom Kenworthy)

Some of the Clinton administration's key congressional allies on politically sensitive environmental issues say they are beginning to lose faith in the administration's commitment to fundamental change in managing federal natural resources.

The increasing dismay felt by some powerful congressional Democrats is illustrated by a detailed and scathing critique of Interior Secretary Bruce Babbitt's latest proposal for overhauling federal rules governing cattle and sheep grazing on millions of acres of U.S. rangeland.

Saying they are "deeply troubled" by the new administration proposal, four lawmakers—Sen. Harry M. Reid (D-Nev.) and Reps. George Miller (D-Calif.), Mike Synar (D-Okla.) and Bruce F. Vento (D-Minn.)—wrote Babbitt over the weekend to express their concerns. The proposal is so flawed and so much of a retreat from Babbitt's original plan of last summer, the letter said, "that we will be unable to support the proposed regulations" unless major changes are made before it is finalized later this month.

In separate interviews, the legislators said they view the new grazing plan as a capitulation by the administration to the livestock industry and western political interests and as a betrayal of a deal they struck with Babbitt last year.

The level of trust has deteriorated so much that the lawmakers have agreed among themselves to try to meet with the secretary and his top staff only when all four of them are present because in the past they have felt misled by mixed signals.

All four members have a long history of involvement with public lands issues and were

key Babbitt allies in last year's losing congressional fight over his original grazing plan.

In addition, all are central players in legislative affairs affecting the Interior Department and the environment. Miller is the chairman of the House Natural Resources Committee; Vento is the chairman of that panel's subcommittee on national parks, forests and public lands; Synar is chairman of the Government Operations subcommittee on environment, energy and natural resources; and Reid serves both on the Senate Appropriations subcommittee that oversees Interior and the Environment and Public Works Committee.

"I'm on Interior appropriations, they [Miller, Vento and Synar] control the authorizing over there," said Reid. "I wouldn't want to be in a position where I have to deal with four people who are just pulling darts out of their shoulders, or maybe their backs."

"There's a serious problem here," said Synar of Babbitt's relations with pivotal lawmakers. Grazing policy "is not the only issue he has to deal with these four members about," he said. "It's going to set the tone for any future relationships we have on mining, timber, parks and a host of other issues. There's more at stake here than just grazing."

Following last fall's legislative defeat, Babbitt set out to revise the grazing plan in order to reduce opposition from western Democratic governors and the livestock industry. But in doing so, Babbitt appears to have undermined his base of support among Democratic backers in Congress and may also have lost some momentum on other parts of his agenda.

Miller, for example, has delayed naming House conferees on legislation rewriting a 19th-century mining law until the final grazing plan is published. Miller said he is reluctant to throw the House into a tough political battle with the Senate over the mining law if he thinks the strong House position will be undercut by Clinton administration concessions.

"I have to have very clear signals and a very clear commitment" from the administration before proceeding on mining, said Miller.

At the heart of the lawmakers' growing dismay is a sense that Babbitt has reneged on commitments made last fall to push administratively for tough new grazing rules. They say Babbitt made that pledge after the Senate blocked enactment of his "rangeland reform" proposal unveiled last summer and then stymied a compromise fashioned by all of them and sponsored by Reid.

"We are deeply troubled by several major aspects of the [draft grazing plan] that are radical departures from your previous proposals and from the Reid compromise and that result in a package that will undermine the effectiveness of the range reform initiative," the four lawmakers wrote Babbitt.

Babbitt said yesterday he will visit Capitol Hill this week to discuss the lawmakers' objections. But the Secretary insisted he is wedded to the heart of the proposal, creation of local "resource advisory councils" similar to one operating in Colorado that would be composed of disparate interests and be given broad authority to influence local grazing decisions.

"I strongly believe the Colorado model is conceptually correct," he said. "I'm not going to abandon that . . . absolute certain that it is the only way to open a new chapter in rangeland management."

Babbitt played down suggestions he is losing critical congressional support that he

will need on other issues. "I am fairly philosophical about this," he said. "There is no way I can negotiate something that will please everybody."

All four lawmakers said they understand the political pressures Babbitt is under, and several attributed his inconsistency on grazing to White House orders. "He's getting his political chain jerked," said Vento.

But Miller warned that Babbitt must also pay attention to his allies. "Babbitt's been negotiating with people who never had any intent of accepting any compromise," Miller said. "They have got to take stock of who it is they've been doing business with. The grazing and timber and mining and water barons do not go quietly. They really have no interest in change."

Mr. DOMENICI. I yield the floor.

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1480

Mr. LEAHY. Mr. President, I rise in strong opposition to the Cochran amendment. It is not germane in any way to S. 4 nor is the amendment necessary.

There is a compelling public health reason to get these standards in place. There are at least 20,000 physician-diagnosed pesticide poisonings a year. Countless more are undiagnosed. The California Department of Health has estimated as many as 300,000 pesticide injuries occur each year. We have known for over 10 years that current regulations are putting farmworkers and pesticide handlers at risk.

The standards provide very elementary protections. Employers have to let their workers know how to protect against unnecessary, dangerous pesticide exposures. They have to provide soap, water, and towels to wash after contamination, and if necessary, transportation for emergency medical treatment. Every worker does not have to wear a moon suit, contrary to some of the misinformation that has been circulated about these standards.

These simple protections have already been delayed for many years. The Reagan administration determined in 1983 that our current worker protection standards are seriously inadequate. It was not until 1992 that the Bush administration finalized new standards and set the implementation date now in question.

Since 1992, EPA and some States, including Vermont, have worked hard to educate growers and workers and get them ready to comply with the new rules.

Many education and training materials are already available.

Pesticides with new labels are already in the channels of trade. EPA reports that most of the 2,000 pesticide products affected by the new standard already have new labels. A delay in implementation would cause real confusion for farmers.

Some have asked EPA and the President to delay implementation of these standards. The answer was "no."

EPA has been working closely with parties who have complaints about the implementation and has pledged to do everything it can to help them comply.

The Agency has made it clear that enforcement will be flexible. It is going to focus on cooperation and outreach, not assessing fines for technical violations.

There should be careful deliberation before we make any changes to these regulations that have been over 10 years in the making. This is not the time or place for such deliberation.

Mr. KOHL. Mr. President, I commend my colleague from Mississippi, Senator COCHRAN, for raising concerns about the implementation of the EPA farmworker protection standards for pesticides. This is an extremely important program, and its effective implementation is critical to the health of millions of farmworkers across the Nation.

While I am concerned that some of the EPA educational materials that State Departments of Agriculture need to effectively implement these standards have been delayed somewhat, I must oppose the Cochran amendment. I do so because the dangers to human health associated with the delay proposed by this amendment are unacceptable to me.

There are an estimated 20,000 incidences of physician-diagnosed pesticide poisoning a year. EPA estimates that there are as many as 280,000 other pesticide injuries a year that go undiagnosed. The Cochran amendment would delay the worker protection standards by another year and a half. I am not willing to tell the hundreds of thousands of men, women, and children who are likely to be poisoned during that time that we jeopardized their safety for bureaucratic reasons.

Instead, I have asked the Wisconsin Department of Agriculture, Trade, and Consumer Protection, the agency in my State charged with implementing these standards, to send me a list explaining exactly what material they are lacking in order to effectively implement the standards by the April deadline. I have alerted EPA that I will be sending this list to them as soon as I receive it, and that I expect them to supply Wisconsin DATCP with those materials, and other necessary assistance, as soon as humanly possible.

Further, EPA has indicated that they will be very flexible in their enforcement of these provisions, and will continue to work cooperatively with the States to implement this program.

In closing, I would say that if the price of the delay that the Senator proposes were anything less than human health, I might be more willing to consider it. But Mr. President, human health is exactly what's at stake here. I regret the inconvenience, and call on

EPA to be as flexible as possible in their enforcement as States and farmers get used to the new standards. However these standards are long overdue, and any further delay could be disastrous.

Mr. BAUCUS. Mr. President, I rise today in opposition to the amendment offered by Senator COCHRAN. As you know, this amendment would serve just one purpose—to delay the implementation of the worker protection standards for agricultural workers as regards agricultural chemicals.

While some may perceive a link between this issue and the concept of competitiveness, such a bond is quite weak. Therefore, the debate over germaneness to S. 4 has not been dominant. Therefore, like other speakers, I will concentrate on the merit of the amendment.

Few in agriculture, indeed few in our society, would question the need to ensure the safety of agricultural workers. They provide a critical service in getting the crops raised that become food for our table and clothing for our families. However, as research has indicated and personal examples will emphasize, there are dangers involved. Therefore, the Environmental Protection Agency has brought forth the worker protection standards.

Let there be no mistake about it. These are necessary standards. I know of an example in my State where a young man was literally showered with insecticide by an aerial applicator. Just a few short years later, this man is no longer with us. Robbed of the years of his life. There are countless examples where agricultural workers are injured by agricultural chemicals, through no fault of their own. If these standards prevent the loss of a single life, they will be worthwhile.

However, I believe that balance is in order. Most agricultural employers take a zero-risk policy when it comes to protecting their employees from pesticides; they want to do what's right. Therefore, we must make certain they are not unnecessarily burdened by regulations which are irrelevant.

I will work with the EPA Administrator to ensure that these vital regulations are implemented in a fair and reasonable manner. I am confident that together, we can avoid the dangers feared by the proponents of this delaying amendment. Therefore, the amendment is unnecessary. So I urge my colleagues to defeat this measure and join me in working with the Administrator to resolve these concerns.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending question is an amendment from the Senator from Mississippi [Mr. COCHRAN].

Mr. HOLLINGS. Mr. President, it is my hope, if a rollcall vote is agreed to, that we have that rollcall vote—I will ask consent later on—at 3 o'clock. We have given both sides notice, and they continue to work around the clock.

So I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the rollcall vote on the motion to table be at 3 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1481

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Georgia.

Mr. HOLLINGS. Mr. President, I move to table that one, to follow the rollcall vote on the Cochran amendment. So I move to table the amendment of the distinguished Senator from Georgia and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the rollcall vote on the Coverdell amendment occur at the expiration of the rollcall vote on the Cochran amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent to proceed as in morning business for no more than 5 or 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MURRAY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. While my distinguished ranking member is present

now, earlier today, since I had been asked several times about this alleged pork bill, I became sensitive to some feel amongst our colleagues that this might be a bill where, as one described to me, Secretary Brown could be using moneys to just distribute around politically, and I wish to give what the actual fact and truth of the matter is.

Let us go first to the amounts of money. With respect to the National Institute of Standards funding, what we have is a laboratory which is the old National Bureau of Standards laboratory, and that goes from \$241 million, which it is today, to \$316 million. And, of course, there are laboratory standards on safety, quality and otherwise. There is no pork in that to be awarded to any local folks relative to politics.

Under the Advanced Technology Program, that goes from \$200 million to \$451 million. I happened to fashion that in consultation with our distinguished ranking member to make certain that it would not be pork.

In that context, Madam President, what we have said is, first, rather than the Secretary of Commerce or the Senator or the Congressman picking for political reasons, the initiative in picking winners must come from the industry itself. And the industry itself must have confidence enough in its own particular interest in the project being researched to furnish at least half the funding. We have seen now over a 2-year experience that upward to 70 percent of the money comes from private sources, because they just cannot come in and get a grant.

There is no earmarking of a particular industry, even though the one singular industry brings the request to the department. But we make certain that it is peer reviewed by the National Academy of Engineering to make absolutely sure that in the review of it, it goes for all of industry and it is in the interest of all technology.

I do not believe we could ever have passed this unanimously, as we have, not only the year before last but out of the committee last year, if we had a pork bill because the Senators have all been priding themselves on getting rid of the pork and cutting out the Government and cutting back on expenses and cutting spending and those kinds of things. So the reason we got unanimous and bipartisan support not only within the Senate but within the committee itself was that we had set these safeguards in there. And as the chairman of the subcommittee of State, Justice, Commerce of appropriations we have forestalled any of those projects getting into that particular bill.

That is this Senator's experience on the one side to assure the colleagues just exactly what we have.

Otherwise, yes, there was a request made year before last, Madam President, with respect to the Advanced

Technology Program by an industry that I am vitally interested in, and that is the textile industry, which has substantial employment in my State. But on behalf of all the textiles in the country, and apparel and garment workers, an application was made to the Advanced Technology Program that involved the computerization of the flow of orders for particular garments or textiles or cloth. And in that light it was to be a very sophisticated type of computerization whereby there would not be a backup or an oversupply, thereby cutting back on the inventory costs and thereby increasing the productivity.

The Advanced Technology Program officials looked at it with sufficiency but found it did not pass muster. There was not any advanced technology to it as they saw, and there was not any uniqueness to it that would really improve all of industry as they saw it. And while we tried to impress upon them the seriousness of the application, we did not pass muster.

Madam President, what really happened is they went out to Livermore and the energy lab. There at Livermore they fashioned together, with contributions, of course, a \$350 million grant. They had last year a high-level meeting down in North Carolina. They announced that they have their research activity, and have it going. You will find they have around \$6.8 billion, I think it is, over in the Energy Department. The total for all of this, excluding the laboratories, is only \$1.37 billion. But there was the request where right now we only have this year \$200 million for the Advanced Technology Program. One industry has come in, and another division of Government, and they have gotten a \$350 million project going.

So you can see, when I say of the \$70 billion expended in Government for research, we have at present less than 1 percent. If this bill is approved, it will still be less than 2 percent of the research moneys, and well shielded against any kind of political pork activity.

So I think that ought to be emphasized with the distinguished Senator from Missouri present, because I wanted to make absolutely sure when people keep coming up and asking what is this program, why we find all of industry and all of labor, all of the Republicans and all the Democrats, having sponsored and supported the bill, all the competitiveness councils and committees of Congress, all in support of the bill, so that if we are suffering a slowdown with peripheral and non-germane amendments to somehow defeat or otherwise delay this particular measure on the basis that we did not want to start another pork program, I will agree with them.

We do not want to start another pork program. This one is no such thing. It

has a track record. There have been no projects earmarked, or any of those kinds of things.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Madam President, I want to get back to what I consider to be the main issue raised by S. 4, which is the question of the relationship between the Federal Government and the private sector on matters of research and development spending. I want to call the Senate's attention to a hearing that was held in the Finance Committee this morning and to the testimony of Mary Lowe Good, who is the Under Secretary of Commerce for Technology. It was a very forthright description of the position with the administration, and I think that it does a good job of helping to clarify what the underlying philosophical question is that is now before the Senate.

She was testifying on the issue of the GATT agreement and what has been done to the subsidies code in the GATT agreement. But in the process of her testimony, she talked about science and about technology and about the private sector and about the Government. I want to just read a few portions of that testimony.

Under Secretary Good said:

The longstanding bipartisan support for technology investments recognizes that Government investment in research and development is essential. New technologies and improvements to promote domestic development often fail to attract sufficient private sector investment. The risk is often high, and the globalization of the economy is putting tremendous pressure on industry to reduce costs.

After several years of cutbacks, major U.S. companies spend less than 22 percent of R&D on long-term projects. In comparison, their current counterparts in Japan expend nearly 50 percent of R&D on longstanding investments, according to estimates by the Council on Competitiveness. And the pressure is mounting. The Industrial Research Institute survey of 253 industry R&D managers found that 41 percent said that they would reduce total R&D in 1994 versus 20 percent the plan increases. Three times as many plan to cut long-term research funding as to raise it.

That is the concern that has been addressed by the administration, and it is a justifiable concern about research and development and about American investment in technology. The troublesome issue is not the question of whether or not it is good to have business investing in research; the question is the extent of the partnership, if any, that exists between the Federal Government and the private sector. And in reading Under Secretary Good's testimony, and in listening to it this morn-

ing, it is clear that the intention of the administration is to make up for underinvestment by the private sector by simply infusing funds into preferred industries.

The Under Secretary continues:

The Clinton administration has reinvigorated the public-private partnership as a key means of achieving technology investments. In most cases, projects are cost shared, often 50 percent from industry and 50 percent from Government, and selection is merit based.

So, in other words, Under Secretary Good is talking about a partnership with respect to a specific industry and project. The industry antes up 50 percent and the Government antes up 50 percent on a cost-sharing basis. And that, in her mind, makes up for the shortfall—or helps make up for the shortfall of U.S. investment in research and development.

She says, as Chairman HOLLINGS pointed out a few minutes ago, that the selection is merit based.

If we are going to get into the business of direct Federal grants for research, it is very important that those grants be merit based, that the selection be merit based, and that they be peer reviewed. And it is true that with respect to at least large parts of this bill, there is the provision for peer review, for merit selection of beneficiaries.

However, as we have learned in our own appropriations process, there is often a lot of slippage between the intention of peer review and the actuality of earmarking. We have promised ourselves in committee reports, and I believe in legislative language, that henceforth we are not going to be involved in earmarking of particularly defense dollars; yet, every time a Defense appropriations bill, particularly a Defense appropriations conference report, hits the floor of the Senate, buried in that legislation is a whole host of earmarked funds for specific colleges and universities.

My point is that a provision for peer review and the actuality of peer review are very often two different things. It is a worthy objective, and it is a very good thing to tell ourselves that we are all for peer review. But, Madam President, does any Senator truly believe that we, as politicians, will be able to restrain ourselves from putting our hands on this fund of \$2.8 billion that would be made available in this legislation?

Under Secretary Good continued in her testimony saying:

We have ensured that Government involvement in industrial research, a mainstay of our public-private partnerships, continues without threat. The Government may be involved either directly with funds, or with personnel, or in-kind resources, in critical investigations aimed at the discovery of new knowledge, with the objective that such knowledge may down the road be useful in developing new products, processes or services, or in bringing about a significant im-

provement to existing products, processes or services. These kinds of partnerships are industry focused, very free, competitive and have the potential to provide benefits across a number of companies and industries.

Madam President, what businesses are in the business of doing is producing products and making money selling those products. To put money into particular businesses is really not like putting money into basic research. It is not like putting money into universities, for example, for basic research. It is putting money into something that eventually is going to earn a profit. If an industry is in the business of doing something other than earning a profit, it is going to have problems with its stockholders down the road. Probably its board of directors is going to have problems with lawsuits down the road.

So it is not simply a matter of increasing the pool of knowledge in the United States when the Government makes grants to particular businesses. Those businesses are going to attempt to produce products, and on the continuum between basic research, on one hand, and development of products, on the other side of the continuum, clearly the private sector is going to be weighted very heavily toward something that is product oriented.

So I believe that what Under Secretary Good did today is to help us clarify the issue that has been brought to the floor of the Senate by S. 4. And I would also point out what I think is interesting language in the committee report because the committee report speaks of an era of strong international competition and then the committee report says: "DOC"—that is the Department of Commerce—"has a leadership role to play in this new era."

One question that Members of the Senate might want to ask is, do we really believe that the Department of Commerce has a leadership role to play in this new era of strong international competition? Do we have that kind of confidence in the Department of Commerce to play this kind of leadership role of guiding the economy of the future, of directing the course of the economy? That is what the spending of money does. It puts the thumb of Government on the scales of economic decisionmaking.

How do we feel about that? Do we believe that the Department of Commerce is that kind of agency? Do we believe that the Department of Commerce really has a leadership role to play in this new era?

I would suggest that the answer to that question is no, that if the Government is going to be involved in research and development—and it is and it should be—it should do so in a much less directive way with respect to the private sector. It should do so by emphasizing especially basic research, rather than the development of prod-

ucts, and it should do so in a way which is neutral with respect to decisionmaking that is made in the private sector.

I have long advocated the research and development tax credit, and I think if we want to spend \$2.8 billion of new money to assist in research and development it would be better to do it in the neutral way of making the R&D tax credit permanent than by directing funds to specific and favored industries.

The R&D credit allows the risk to continue to exist in the private sector. It does not put the Government in the business of being a venture capitalist. The R&D tax credit says to business you make the decisions as to what the new technologies are. We in Government do not purport to make those decisions, nor will we set up some kind of commission or board to make the decisions for you. You do that in the private sector.

So that is the way I would suggest that we proceed, that we, in effect, set the \$2.8 billion aside for the R&D tax credit, and I am going to in a few minutes offer an amendment that would do just that.

Now, clearly, Madam President, an amendment to the Internal Revenue Code is not in order in this bill. You cannot amend the Internal Revenue Code in a Senate bill. But we can make a decision in the Senate with respect to the best way to do research spending by the Government. We can make a decision in the Senate as to a matter of basic policy.

Clearly, we are going to have tax bills that reach the floor of the Senate. They usually do every year or two. The R&D credit has been on the books since 1981. It has never been permanent. It has always existed more or less year to year, hand to mouth, and people in business say that R&D spending is something that is done over long periods of time. So it would be much more helpful to those who are engaged in research and development to have a permanent R&D credit rather than to have 1 or 2 or 3 year increments added on to each other for the research and development tax credit.

Also, there has been a lot of work that has been done by Members of the Senate on improving the R&D tax credit, work that has been done in concert with representatives of industry, telling us how we can improve the R&D tax credit and make it more useful to industry.

So I would suggest that we redirect the debate, that we make up our minds that this \$2.8 billion will not be used for this particular program that is developed in S. 4 but that instead it will be set aside for the next tax bill to use for the R&D tax credit.

Therefore, Madam President, I ask unanimous consent that the pending amendments be set aside so that I might send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1482

(Purpose: To make permanent the research and development tax credit)

Mr. DANFORTH. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 1482.

At the appropriate place, insert the following:

Notwithstanding any other provision in this act, the amounts authorized to be appropriated by this act shall not be appropriated, but rather the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit.

Mr. HOLLINGS. Now, Madam President, in all candor someone ought to be ashamed to put in an amendment of that kind.

The reason I say that, Madam President, is here we have had a bill totally mischaracterized. I just listened a minute ago about the \$2.8 billion.

You cannot pork barrel the National Institute of Standards and Technology. That is a research entity over there. If you want to give them more money, fine business. But that is not the pork barrel for these specific projects. They could have been under the extension programs.

When he talks about the extension programs or centers and, some have called them not just manufacturing centers but the Hollings centers, \$70 million for fiscal year 1995 in this bill and \$100 million for fiscal year 1996.

Immediately we begin to see the context in which the distinguished Senator is treating the matter, whereby I am confident he would not have gone along with the bill here year before last and unanimously out of the committee this time for \$2.8 billion pork barrel.

There are all of these other things in here with respect to the laboratory, but the \$170 million is described as pork barrel as \$2.8 billion. The \$170 million is described as \$2.8 billion pork barrel. Otherwise, he takes the entire program and says, now wait a minute. It all of a sudden strikes the distinguished Senator as a philosophy of putting the thumb on the scales of industry.

Well, since the Senator and I worked closely together, I am very familiar with his particular position with NASA, as well as my own. The distinguished Senator has always supported the NASA program. And from the NASA program has come the spinoff to the aircraft industry where we did indeed put a thumb on the scales of the aircraft industry. Not generally an advanced technology program for all of technology, but he has joined in that

thumb on the scales and never worried about industrial policy at that particular time, specifically in support of the KASSEBAUM amendment. That was for the aircraft industry. That was a specific tort provision and thereby a thumb on the scales of the aircraft industry.

Here, just in the last 2 days, he now comes up with an amendment to just take all of the funds, just take all of the funds. That is playing games now, to just say take all of these moneys and put it into the R&D over in the Finance Committee.

We had research and development bills out of the Finance Committee, and we voted on those and we are prepared to vote. But I never heard of a bill that has support on both sides and then to come here with these monkey-shines and just take the bill and forget about the provisions and take all of the moneys and put it over in the Finance Committee, particularly in light of the track record of the distinguished Senator from Missouri.

I am looking at S. 419, a bill before the Congress today. This bill was introduced last year on February 24, 1993, by Mr. DANFORTH, for himself, Mr. ROCKEFELLER, Mr. GORTON, Mr. LIEBERMAN, Mr. BAUCUS, Mr. BOND, Mr. DODD, Mrs. MURRAY, and Mr. RIEGLE. This particular bill is to provide for the enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research.

Now you know how deeply they feel about the philosophy of industrial policy.

With respect to the philosophy, this bill's principal author says, what I want is to put my thumb on the scales of aircraft research, put my thumb on the scales of aircraft technology. I would cite also Federal assistance to the semiconductor industry consortium, known as Sematech, which has been successful in improving the competitiveness of the U.S. semiconductor industry—that is a thumb on the scales of the semiconductor industry.

Come on. That is begging the question.

The Senator was a leader in this 7 years back in the institution of Sematech and cites it again with pride in this particular bill here for the aircraft industry. We know about the philosophy behind these initiatives. You might apply Mr. Darman's famous duck test. If it walks like a duck, squawks, like a duck, flies like a duck, then it's a duck. Likewise, if the Senator's efforts on behalf of the aircraft industry and Sematech walk, squawk and fly like industrial policy, then they are industrial policy.

And since we have just cited the duck test, let's also allow that what's sauce for the goose is sauce for the gander. If industrial policy is good for semiconductors, if it is good for aircraft,

why not also for general research on merit-based, industry selected technologies?

Now, it is just playing games to come forward here, having approved a bill that has been through him as ranking member on the committee on two occasions, unanimous support, Republican and Democrat, and then out of the blue just take all of the money from the bill and put it over to the Finance Committee and hope they direct it after the House, because under the Constitution, you cannot put in a finance-raising measure, tax measure with respect to R&D, but hopefully they will put in the R&D and thereupon the committee would come out and take these moneys and allocate from there.

Now, that is the treatment we are getting on this particular measure.

Now, I am not sure exactly what is going on. We will try to find out.

But anybody with common sense can see that they are not talking about the bill. They are trying to recreate in their minds, because they cannot talk about the provisions in the bill, they are trying to set up a diversion by talking about an alleged philosophy of industrial policy. "Well, wait a minute. We have a new philosophy here of industrial policy and a thumb on the scales of industry." Meanwhile, they are putting their paws all over Sematech in the semiconductor industry, putting their paws all over the aircraft industry. But now, as we contemplate putting a thumb on the scale for advanced technology, wait a minute, we have to discuss philosophy.

I yield to the distinguished Senator.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, if I may respond.

Madam President, first, let us talk about the aerospace industry.

It is often said, as it was just asserted by Chairman HOLLINGS, that we are busily subsidizing the aerospace industry because we have NASA and because we have a defense budget, and that is said to be a great boon to the aerospace industry.

Well, today at our hearing, we had as a witness, a vice president from Boeing. And because this statement has been made so frequently about how the aerospace industry has been subsidized, I put the question to the vice president from Boeing: Is it correct; is the defense budget, in effect, a subsidy for the commercial aerospace industry? Is NASA a subsidy? And the witness said flatly that the answer to that was no.

He was pressed on that answer, and he said that he could not think of any use that the defense spending or NASA has given to the commercial aerospace industry.

The argument that the aerospace industry has been a beneficiary of the largess of the Federal Government is

the argument that has been made by the Europeans in defense of Airbus, and it is a bum rap. It is simply not the case.

Our aerospace industry is not, in fact, on the same footing as Airbus is with the Europeans. The Europeans have conducted an aggressive policy of subsidizing research, development, and production of aerospace.

Now, an agreement was made a couple of years ago between the United States and the European Community with respect to aircraft manufacturing. In that agreement, it was agreed that certain development subsidies would be green-lighted; henceforth, that certain subsidies for development of aircraft would be permissible.

I did not agree with that agreement. I thought that was a bad agreement. I thought that it was the forerunner of the subsidies agreement that has been reached in these GATT negotiations, and it was. I objected to the green-lighting of certain subsidies in aerospace.

As a result of that, I offered two pieces of legislation, introduced two bills. I saw them as being in the alternative. One was to mandate the commencement of a countervailing duty case against Airbus. The second was, if we were not going to do that, then to go to a Sematech type of operation, which we called Aerotech, on the theory that we could not sit by and allow a major industry of the United States to be victimized by unfair trade practices.

I will be the first to say that, if there are unfair trade practices, the United States of America must act. We cannot be chumps. We cannot do nothing. We are going to have to do something.

I would prefer to use the trade laws. I would prefer to use the subsidies code. I would prefer to file a countervailing duty case against Airbus. I have been advocating that for years. I think that is a totally ridiculous subsidy.

But if the position of the United States is to do nothing or little or green light subsidies, if we are now into the world of subsidies, obviously the United States has to be toe to toe with whatever countries in the world are subsidizing their own industries.

If we proceed with this GATT agreement and the result is wide open subsidies for research and development, I will be right there. Well, I will have left the Senate by that time, but I will be at least morally supportive of the position taken by Chairman HOLLINGS. I will say if it is a world of subsidies, and the United States is falling behind, we have to keep up. We have done that with agriculture and we are going to have to do it with other sectors as well. I hope we do not come to that.

I do think it is a basic question of philosophy. I do think it is a basic question of policy. Once you get into

the business of competing subsidies, I do not see how you are ever out of the woods. Once you are in the business of competing subsidies, I think there is going to be more and more and more demand for more subsidies.

I would rather see us not get into the game. I would rather see us do, by tax credit, what Chairman HOLLINGS says we should do by direct governmental intervention in specific industries. I would rather be much less directive than S. 4 would have us be. I would rather have us say to the private sector: You make the decisions on research and development. You make the decisions. We are not going to make those decisions for you. And, if you do, then there is a tax credit for R&D.

That is a much different situation than is the case with S. 4.

The PRESIDING OFFICER. The Senator from Arkansas.

THE NATIONAL COMPETITIVENESS ACT: JOBS, PARTNERSHIPS, AND DEFENSE CONVERSION FOR AMERICA

Mr. PRYOR. Madam President, I am going to speak only a very few moments. I do not want to speak about any specific industry such as the aircraft industry. I want to talk about this legislation as a whole because this legislation, I think, is one of the more important pieces of legislation that the Senate has considered in the last 2 or 3 years relating to the preservation and the creation of jobs.

Madam President, I am pleased to announce my strong support for S. 4, the National Competitiveness Act. First and foremost, this bill is about preserving and creating jobs. By helping to strengthen the U.S. industrial base, S. 4 will enable American companies to meet and defeat foreign competition, ensuring more jobs, higher wages, and a better standard of living for all Americans.

Moreover, S. 4 represents a new approach to economic growth and job creation that says something very important about this administration. It is an approach which features Government as a partner of industry instead of an adversary. Scarce Federal dollars will be leveraged through investment in the technology priorities and needs that industry identifies, rather than technologies that Government bureaucrats like.

My colleagues will continue to make these points about what S. 4 will do for jobs and industry partnerships. I want to talk about the importance of S. 4 for another reason, namely the critical contribution that it will make to our Nation's defense conversion strategy.

In 1992, the Senate majority leader, Senator GEORGE MITCHELL of Maine, whom we will regrettably be losing at the end of this year, appointed me the chairman of the Senate Democratic defense reinvestment task force. This was not a job that I originally wanted, nor one that I expected to have a great deal

of success with. I can say with pride, though, that the task force has produced substantial results, simply because we worked together as a team.

All of us are familiar with the terrible toll that defense conversion is taking on our country. As the defense budget falls, jobs are disappearing and sales are evaporating. Factory gates are closing on defense dependent firms all around America, and the heroes of the shop floor who helped win the cold war are getting little more than the cold shoulder. Our economy and our workers are hurting, Madam President.

The only long-term solution to this downturn is to stimulate economic growth. Defense dependent companies cannot simply move into a new civilian market overnight and begin serving its customers. Plenty of competition already exists in these markets. Likewise, laid off defense workers who receive retraining cannot take civilian jobs immediately, because these jobs are all currently filled.

Economic growth is the answer, Madam President, and as I have learned, technology is the key driver of growth in our modern industrial economy. Investment in the development of new technologies will lead to new products, new industries, and new jobs. We must also ensure that the latest production technologies which contribute to efficiency and productivity, are deployed to as many of our manufacturers as possible. These are the twin pillars of economic growth in modern industrial economies, and the twin pillars of this bill, technology development, and technology deployment.

S. 4 strengthens and expands the technology development and technology deployment programs in the National Institute of Standards and Technology, or NIST, at the Department of Commerce.

Let me add a personal note. The distinguished Senator from South Carolina, who is managing this legislation at this time, was one of the original creators of NIST in the Department of Commerce. He had the vision, as far back as 1988, of placing this particular program in parts of early bilateral trade agreements. I think it demonstrates the wisdom of the Senator from South Carolina, and his forethought.

Grants from the Advanced Technology Program at NIST can help civilian firms develop new technologies which will contribute to their growth, and it can create diversification opportunities for a defense dependent firm. The manufacturing technology centers and manufacturing outreach centers funded by NIST can help a civilian firm become more productive, and it can help a company in the defense business find new markets and acquire the technology necessary to compete in those markets as defense contracts dry up.

The Democratic defense reinvestment task force recognized the value of

the NIST programs, and that's why we recommended increased funding for them in 1992. The Republicans had a defense conversion task force in 1992 also, appointed by the Senate minority leader, Senator DOLE, and chaired by former Senator Rudman of New Hampshire. This Republican task force also noted the importance of the NIST programs and recommended more support for them as well.

Madam President, as a matter of fact I would like to, at this point, ask unanimous consent that these two pages from the report by the Senate Republican task force on adjusting the defense base dated June 25, 1992, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT OF THE SENATE REPUBLICAN TASK FORCE ON ADJUSTING THE DEFENSE BASE—JUNE 25, 1992

The information of the Senate Republican Task Force on Adjusting the Defense Base was announced on April 16, 1992, by Senate Republican Leader Robert Dole. Senator Warren Rudman was named as Chairman of the Task Force. Other members appointed to the Task Force were Senator Hank Brown, Senator William Cohen, Senator John Danforth, Senator Pete Domenici, Senator Orrin Hatch, Senator Nancy Kassebaum, Senator Trent Lott, Senator Richard Lugar, Senator John McCain, Senator John Seymour, Senator Ted Stevens, and Senator John Warner.

The Task Force was charged with the responsibility of helping to develop responsible policies to deal with the build down and restructuring of America's defense system in the wake of our nation's Cold War victory and the collapse of the Soviet Union. It focused on policies to facilitate a productive shifting of our human and technological resources while maintaining a viable defense base.

Fulfilling this mandate and developing responsible and cost-effective policies for adjusting the defense base cuts across the jurisdiction of a number of Senate committees. Accordingly, the Task Force membership includes Senators from the Armed Services, Appropriations, Budget, Commerce, Finance, Foreign Relations, Governmental Affairs, and Labor and Human Resources Committees.

3. R&E tax credit/educational assistance tax deduction

The R&E tax credit provides a tax credit to businesses for their research and experimental expenditures. This tax credit has been critical to maintaining the worldwide lead of American industry in advanced technologies.

The Employer-provided Educational Assistance tax exclusion permits individuals to exclude from their taxable income employer-provided educational assistance for upgrading their skills and training. This deduction could be of particular utility to employees of a defense contractor which needs to retrain its workers as part of an effort to diversify or expand into commercial markets.

Both the tax credit and the exclusion have received repeated temporary extensions to prevent them from expiring. The latest extension of six months expires on June 30, 1992. The Task Force recommends that both of these provisions be made a permanent part of the tax code or, at the very least, be

extended for a period of five years to encompass the period of the defense build-down. A permanent or lengthy extension is desirable since it would bring some stability to this area of the tax code and facilitate long-range planning by businesses.

4. NIST programs

The Task Force endorses two programs of the National Institute of Standards and Technology (NIST) as important to the effort to promote technology transfer to allow defense industries to convert to civilian activities. These programs are the Manufacturing Technology Program (MTC) and the Advanced Technology Program (ATP).

During FY 1992, \$15 million is available for the MTCs, and the President has requested \$17.8 million for FY 1993. MTCs are designed to enhance American manufacturing competitiveness by improving the level of technology used by small and medium sized companies. They serve as regional centers of information for these firms and also assist in workforce training to allow for the adoption of advanced manufacturing technology.

The ATP is funded at a level of \$49.9 million in FY 1992, and the President requested \$67.9 million for FY 1993. This program provides grants to industry for the development of pre-competitive generic technologies. Current projects include research and development in such areas as data storage, X-ray lithography, lasers, superconductivity, machine tool control, and flat panel display manufacturing.

Mr. PRYOR. Madam President, not only have the Democratic and Republican task forces supported the NIST programs, the entire Congress has responded to these recommendations over the last 2 years by providing approximately \$500 million annually for our flagship defense conversion program, the technology reinvestment project or TRP. NIST is one of the main participants in the TRP, and the program has already provided over \$300 million to fund manufacturing extension projects.

In fact, an announcement was made just 2 weeks ago that a NIST-style manufacturing extension project would be funded by the TRP in my home State of Arkansas. This particular extension award went to Winrock International, Henderson State University, and several other proposers in the State, to bring advanced technologies and practices to small wood product manufacturers and metal fabrication firms through networks that have been formed in the two industries. The Arkansas Science and Technology Authority, the Arkansas Industrial Development Commission, the University of Arkansas system, and others in Arkansas are also working hard to develop a State Technology Extension Network which is very important to the economic prospects of Arkansas, and which I strongly support.

As you can see, the programs authorized under this bill will help individual firms and industries convert from defense to civilian production, but this bill is also about defense conversion in a larger war, namely conversion of our Federal research and development

budget. In 1988, when the United States was investing approximately 66 percent of its R&D budget in defense R&D, Japan and Germany were spending only 4.8 and 12.5 percent of their R&D budgets, respectively, for this purpose.

The Clinton administration has pledged to devote an equal percentage of R&D to both civilian and defense purposes. By strengthening and expanding our key civilian, commercial R&D agency, the National Institute of Standards and Technology at the Department of Commerce, this bill lays the groundwork for such a budget conversion.

The cold war is over, Madam President, and the international economic war is red hot. The Department of Defense cannot serve as our Nation's leading economic development agency, but the Commerce Department can, and it is poised to lead the charge for civilian industries. Today we must be investing more in making our workers and our firms more competitive so that we can prevail in the battle for markets and profits and win the war for higher wages and higher living standards for all Americans. S. 4 is just the ammunition we need for this fight. I urge my colleagues to support it.

Mr. HOLLINGS. I thank the distinguished Senator from Arkansas, particularly for his leadership in the defense conversion committee.

The PRESIDING OFFICER. Under the previous order, the hour of 2 o'clock having arrived, the Senate will now vote on the motion to table—

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

So the amendment (No. 1481) was withdrawn.

Mr. COVERDELL. Madam President, I am going to send an amendment to the desk that is a sense-of-the-Senate on the same subject that the Senator from Arkansas and I have been working on this morning, and on which we have reached agreement.

The nature of the amendment is to ask the Postal Service to discontinue the auditing practice I spoke of this morning until there is a response from the General Accounting Office which would be taken under consideration by the Congress.

Mr. HOLLINGS. Madam President, I appreciate that. Let us go with this one vote.

The PRESIDING OFFICER. The Senator can submit that amendment at the appropriate time.

VOTE ON AMENDMENT NO. 1480

The PRESIDING OFFICER (Mrs. BOXER). Under the previous order, the

Senate will vote on agreeing to the motion to table the Cochran amendment No. 1480.

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 35, nays 65, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—35

Baucus	Jeffords	Moynihan
Biden	Kennedy	Murray
Boxer	Kerry	Pell
Bradley	Kohl	Reid
Bryan	Lautenberg	Riegle
Dodd	Leahy	Robb
Feingold	Levin	Rockefeller
Feinstein	Lieberman	Sarbanes
Glenn	Metzenbaum	Simon
Graham	Mikulski	Wellstone
Harkin	Mitchell	Wofford
Hollings	Moseley-Braun	

NAYS—65

Akaka	Dole	Lugar
Bennett	Domenici	Mack
Bingaman	Dorgan	Mathews
Bond	Durenberger	McCain
Boren	Exon	McConnell
Breaux	Faircloth	Murkowski
Brown	Ford	Nickles
Bumpers	Gorton	Nunn
Burns	Gramm	Packwood
Byrd	Grassley	Pressler
Campbell	Gregg	Pryor
Chafee	Hatch	Roth
Coats	Hatfield	Sasser
Cochran	Heflin	Shelby
Cohen	Helms	Simpson
Conrad	Hutchison	Smith
Coverdell	Inouye	Specter
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thurmond
Danforth	Kempthorne	Wallop
Daschle	Kerry	Warner
DeConcini	Lott	

So the motion to lay on the table the amendment (No. 1480) was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Mississippi.

Mr. METZENBAUM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Madam President, I rise to indicate my opposition to this amendment.

Without losing my right to the floor, I am prepared to yield to Senator COVERDELL, who has an amendment that I understand has been agreed upon. I have no objection if he wants to proceed at this time.

Mr. COCHRAN. Madam President, reserving the right to object, what is the pending business before the Senate?

The PRESIDING OFFICER. The amendment by the Senator from Mississippi is the pending question.

Mr. COCHRAN. Madam President, would the regular order be a vote on the amendment if there was no debate on the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. I ask for the regular order, Madam President.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. Madam President, I will proceed. I say to my colleague that, apparently, the Senator from Mississippi has an objection to us proceeding and letting him go ahead.

Mr. COCHRAN. If the distinguished Senator will yield for a response, I have no objection to the Senator from Georgia proceeding to say whatever he wanted to say, or offer whatever he wanted to offer.

The point is that the Senate has just spoken on an amendment, by approving it, by a vote of 65 to 35, against a motion to table. It is this Senator's recollection that usually when the Senate acts on an amendment in that way, the usual procedure is then to adopt the amendment, the Senate having already expressed its will on the amendment. That is the purpose of my suggestion for the regular order.

Mr. METZENBAUM. Madam President, it is my understanding that there was little, if any, debate in connection with that amendment. When I left the floor to go downtown for a meeting that a number of us went to with the President, it was my understanding that the matter had been worked out on a compromise basis. When I returned, I found we were in the vote and that the agreement had not been worked out.

The Senator from Ohio has some very strong feelings about this, as do many other Americans. The Senator from Ohio expects to speak to the subject and may be prepared to offer a second-degree amendment, although I have not as yet decided. I was then informed that the Senator from Georgia wished to offer an amendment that had been agreed upon. If the Senator from Mississippi has an objection to that, then I will proceed.

Mr. COCHRAN. If the Senator will yield further, I have no objection to the Senator from Georgia proceeding. If the Senator from Ohio intends to debate the Cochran amendment further, or offer an amendment to it, I certainly do not object to using his rights to do that. So if the Senator from Ohio wants to yield to the Senator from Georgia, I will not object to that.

Mr. METZENBAUM. As a courtesy to the Senator from Georgia, I will yield to him at this moment, reserving the right to be recognized immediately at the conclusion of his remarks.

The PRESIDING OFFICER. Is there objection?

Hearing none, the Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I ask unanimous consent to set the amendment by the Senator from Mississippi aside and to set the amendment by the Senator from Missouri aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1483

(Purpose: To express the sense of the Congress that the U.S. Postal Service should cease and desist from conducting audits of private businesses using private express for urgent letters, and for other purposes)

Mr. COVERDELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for himself, Mr. PRYOR, and Mr. MURKOWSKI, proposes an amendment numbered 1483.

On page 216, add after line 12 the following new 2 title:

TITLE VII—PRIVATE CARRIAGE OF URGENT LETTERS

SEC. 701. PRIVATE CARRIAGE OF URGENT LETTERS.

It is the sense of the Congress that the United States Postal Service, in the administration of chapter 6 of title 39, United States Code, shall suspend its audits by the Postal Inspection Service of private business or individuals who use private express for the private carriage of any letter which such business or individual determines is urgent, until the Congress receives and considers a report by the General Accounting Office regarding the potential financial impact on the Postal Service of permanently suspending enforcement of chapter 6, of title 39, United States Code.

Mr. COVERDELL. Madam President, earlier this morning, I submitted an amendment to this legislation that would have had the effect of prohibiting the U.S. Postal Department from exercising fines and, in my judgment, intimidation to private businesses in our country. I have withdrawn that amendment by unanimous consent and have joined with Senators PRYOR of Arkansas, and MURKOWSKI of Alaska in the framing of the amendment that is now before the Senate, which is a sense of the Senate.

The amendment calls upon the Postal Department to cease and desist from these same audits until such time as there has been a response—requested by the Senator from Arkansas—from the General Accounting Office, and that the Congress has had an opportunity to review and consult about those findings.

I thank the Senator from Arkansas for his assistance in this matter. I feel that American business has been suffering an egregious harm by this process, but I understand that there is much for us to find and consult about on the matter, and I think this is progress.

I believe the Senator from Arkansas would like to make a comment, and I

will yield to the Senator from Arkansas.

Mr. PRYOR. Madam President, first, I want to say how much I deeply appreciate the Senator from Georgia deciding now to submit to the Senate a sense-of-the-Senate resolution on this issue. The Senator from Georgia has also been invited to appear before the Senate Committee on Governmental Affairs on the morning of March 24 to make his position known to the Governmental Affairs Committee, which oversees the U.S. Postal Service, as to the impact of his proposal to deal with this issue.

Also, the Senator from Arkansas, as Senator COVERDELL has stated, requested as of 2 days ago the General Accounting Office to do a complete study on the impact of the proposal offered by the Senator from Georgia on the U.S. Postal Service and all of the ramifications of this particular concern as expressed by the Senator from Georgia.

So, therefore, Madam President, I understand from the managers that we may not actually even have to have a rollcall vote on this sense-of-the-Senate resolution, and I would like to ask unanimous consent that I be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I ask for the immediate consideration of the amendment, and I wonder if the Senator from South Carolina would let us know of his concern or lack thereof on the amendment.

Mr. HOLLINGS. I thank the distinguished Senator.

I talked with our colleague, the Senator from Arkansas, and the Senator from Georgia, and now that the compromise is worked out we are glad to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 1483) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1480

Mr. METZENBAUM. Madam President, I think that the Senate has just voted against tabling the pending amendment without many Members of this body knowing what that amendment was about.

I am frank to say that I had left here thinking and having some understand-

ing that there had been a compromise worked out on the time limits with respect to the implementation of the amendment.

When I came back I found that that was not the case. I also found that it was not possible at that point to speak because we were moving right into the vote.

I do not blame anybody. I do not hold anybody responsible. But the fact is I think this is an abominable amendment. I think this amendment plays into the hands of the large corporate farm owners of this country and indicates a total indifference to the safety and health of the farm workers of this country.

This amendment would actually delay implementation of the EPA's worker protection standard for a year-and-a-half while those farm workers who have no lobby, who have no one speaking for them, would continue to be exposed to the various chemicals that are used on farms throughout this country.

The EPA has been working on this subject for the last 10 years. Now they finally have been able to bring it. Instead of going forward with it, the Farm Bureau mounts a major lobbying effort against it, and we, the Senate, refuse to table the amendment as proposed by the chairman of the committee handling this bill, the Senator from South Carolina.

Let us see what we are talking about. The farm workers of our country are our most vulnerable workers. They have no spokesperson. Nobody really cares about them. Nobody gives a damn about them. They live in poverty, and they have no opportunity, very little, at any rate, to improve their wages or their working conditions.

They desperately need protection from toxic pesticides. That is all the EPA is talking about, providing them with some protection from harmful, hurtful toxic pesticides.

By some estimates, as many as 300,000 workers a year are crippled by exposure to pesticides. But nobody cares. Most of these workers never even get to see a doctor. They are the forgotten workers of this country.

The EPA's worker protection standard, which nobody claims is off the wall, nobody claims it goes too far, would provide critical safety and health protection to farm workers. By a 65-to-35 vote we moved to defeat Senator HOLLINGS' motion to table.

EPA's worker protection standards will provide training, provide for personal protective equipment, ensure that growers will not force workers back into the fields after a spraying of toxic pesticides until it was safe to do so.

Who can argue with that? Why is it so terrible to say we ought not to be sending workers back into the fields after spraying of toxic pesticides until such time as it is safe to do so?

It provides for emergency assistance measures when workers are exposed. Without these protections farm workers will continue to be exposed to toxic pesticides.

What kind of Senators are we? Where is our humanity? Where is our compassion? Is our compassion only with what the Farm Bureau wants and what they do with their political action committee? Or does our compassion have something to do with the safety of the people of this country, the farm workers of this country?

EPA estimates that 80 percent of exposure-related injuries can be prevented. They did not come up with this conclusion last week, last month, or last year. The standard was developed over the past 10 years with EPA acting in close coordination with the Department of Agriculture, the States, and the agriculture community.

But this amendment would delay the critical protections for another year-and-a-half. Why? What is it about it that requires that it be delayed for a year-and-a-half? What kind of people are we that we say no, we do not want the farm worker to be protected for at least another year-and-a-half? I will guarantee you before that year-and-a-half expires they will be back here asking for an additional extension.

A year-and-a-half is not just one growing season. It is two growing seasons.

Make no mistake about it. A delay of a year-and-a-half means only one thing. Thousands and thousands of farm workers will be unnecessarily crippled by exposure to toxic pesticides. That is an intolerable injustice.

I know the Members of this body, and I know that they are compassionate, concerned, and worried about the health of the people of this country.

If we are concerned about the health of the people of the country, then we have to be concerned about the health of the farm workers of this country.

Farm workers have waited 10 years for these protections. They should not have to wait any longer. The administration opposes any further delay in these long-awaited protections. Ten years is enough.

I said before that there are powerful lobbyists pushing to get this amendment through, but I should note that a broad coalition of organizations, most of which do not have any PAC's or anything of the kind, supports the worker protection standard and opposes the Cochran amendment to delay implementation of this standard. Let me tell you some of those groups. The Environmental Justice Working Group, the Farmworker Association of Florida, the Farm Labor Organizing Committee of Ohio, the Farmworker Support Committee of New Jersey, the Friends of the Earth, the General Teamster, Warehousemen, and Helpers Union,

Greenpeace, the Lawyers' Committee for Civil Rights Under Law, the National Coalition Against the Misuse of Pesticides, the National Council of Churches, the National Wildlife Federation, the National Resources Defense Council, Physicians for Social Responsibility, Public Citizen, the Religious Action Center for Reformed Judaism, Sierra Club Legal Defense Fund, the United States Catholic Conference, the Wilderness Society, and the AFL-CIO.

In sum, I believe that those organizations that are prepared to stand up for workers rights in this country, for a safe environment, for the protection of the farm workers of this country, beg with you, they implore you, they entreat with you, do not pass this amendment.

I think when it was voted on before many Members of this body did not truly understand the implications of it. My guess is if I know the Senate those who voted one way will continue to vote the same way. I think the Members of this body ought to have an opportunity to vote up or down on the amendment.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I will be very brief.

I just rise to support the Senator from Ohio and to thank him for his words.

When the Senator talked about the reason for this Environmental Protection Agency initiative, he pointed out that the standard is expected to provide at least an 80-percent reduction in the up to 20,000 physician-diagnosed pesticide poisonings each year.

I say to Senator METZENBAUM, when we talk about pesticide poisoning, we are talking about men, and women, and children. I have visited with some of those farmworkers, and I have seen what the statistics mean in personal terms.

While I respect all of my colleagues, I hope each and every Senator knows what their vote means in personal terms. It has been said that justice delayed is justice denied. That is exactly what we are talking about here.

The standard is the result of a lengthy process and a carefully worked out agreement. As it is put into effect, if there are some serious problems for farmers and agriculture, we can monitor that and work it out.

I come from an agricultural State. The farmworkers are involved in helping us get food to our table. Their work is important. They should be valued.

I really fear that what has happened here on the floor of the Senate is precisely what the Senator from Ohio has identified, which is to say that there are those who do have economic clout, who do have big organizations, who do have the lobbyists.

Madam President, could I have order?

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

Mr. WELLSTONE. Could I just wait, Madam President?

The PRESIDING OFFICER. If the Senator from Minnesota will suspend, we will get order for him.

Mr. WELLSTONE. I would appreciate it.

The PRESIDING OFFICER. The Senator has asked for order so that he can make his remarks.

The Senator from Minnesota.

Mr. WELLSTONE. I thank you, Madam President.

When all of us speak on the floor, we do it because we believe what we are saying is important. All of us believe in the arguments that we make.

The Senator from Ohio has said something important, which is that we ought to remember what this vote means in human terms. We ought to remember what toxic chemicals can do to men, women, and children. We ought to remember the purpose of this carefully worked out agreement. We ought to understand all of this when we talk about environmental justice, because that is what this vote was about, except it was about environmental justice.

I ask my colleagues to take a second look at this. It should not only be those folks with big bucks and the lobbyists that march on Washington every day who have a voice. It is sad but true—no righteousness is intended—that farmworkers are often put into parentheses. They are put in brackets. They are forgotten.

I would have thought by now in the United States of America the Senate could have allowed the EPA to move forward with a standard which provides some protection for men, women, and children—the same protection, by the way, every Senator would want for her or his children.

So I hope that Senators will reconsider this vote. I thank my colleague from Ohio for what he has done.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, before we vote on the amendment up or down, I would like to put in the RECORD a list of questions that were sent to all State commissioners of agriculture by the U.S. Association of Departments of Agriculture and the response that was received from the State of Ohio, submitted by the Ohio Department of Agriculture.

I ask unanimous consent that the questionnaire and the answers from the State of Ohio be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ISSUES OF NATIONAL IMPORTANCE TO STATES IN THE IMPLEMENTATION OF THE FEDERAL WORKER PROTECTION STANDARDS

Question 1:

The standard prohibits hand labor cultural activities during a restricted entry interval (REI). Any other activity, such as irrigation, that may result in contact with treated surfaces is limited to 1 hour per employee during any 24 hour period. The REI will be from 12 hours to 3 days depending on the toxicity of the pesticide ingredient and average rainfall. Entry during the first 4 hours is limited to applicators and crop advisors wearing all personal protective equipment (PPE).

How will compliance with these limits, especially the irrigation restrictions, impact your farming operation?

Answer. The impact of restricted entry intervals (REI) on crop production is most likely to have the greatest impact on greenhouse growers in Ohio. Especially for irrigation of crops, frequent entry into pesticide treatment areas can be required on sunny days or during warmer months. Less impact will be felt by large growers with automatic watering systems, however, small growers with diverse crops in the same production house can expect difficulty with compliance.

While EPA has proposed to allow some leeway for cut flower growers; roses, carnations etc, this exception would not apply to bedding plant producers who are very numerous in Ohio. Ohio Department of Agriculture (ODA) could take advantage of authority allowed by the WPS to seek exception to limits on hand labor during a REI. Any exception is likely to draw legal challenges from organized labor as is threatened against the exception currently proposed by EPA.

Question 2:

New pesticide product labeling and the standard will require field posting of all applicators of a dermal toxicity category one active ingredient and all applications made in a greenhouse regardless of the toxicity category of active ingredient.

What do you see as the impact of these requirements on your farming operation? How would you estimate the time and money resources required to comply? Do you operate a greenhouse or open field enterprise?

Answer. Field and greenhouse posting will be two separate issues. In Ohio, many fruit and vegetable growers have done field specific posting as required by Ohio law. Greenhouses face many logistic issues with posting especially when diverse crops are grown in the single structure and pesticide applications may be directed to small areas within a larger structure. Required posting for treatment done to a single bench can restrict work in a much larger area of a greenhouse. Especially for those greenhouses that allow retail trade and customer access to production areas, there will occur circumstances when customers may enter areas inaccessible to workers.

Question 3:

The standard requires, in addition to field posting, oral warnings for all dermal toxicity category one active ingredients and all greenhouse fumigants. While the signs must be placed at the edge of the field the oral warnings must include both your employees and those of any contractor, such as a cus-

tom applicator or labor contractor, who may walk within 1/4 mile of any of your fields that are under an REI.

How do you envision identifying those required to be warned and transmit the warnings to them of their direct employer? Give examples of how you would attempt to comply with this requirement in your farming operation.

Answer. Oral warnings to workers and handlers will be difficult to enforce from the ODA perspective. Past experience with this issue has been that we find a farmer versus a laborer who tell us two different stories. Taking any enforcement action under these circumstances can be very difficult. Additionally, the need for farmers to orally warn outside contractors; vegetable buyers, crop scouts, custom applicators etc. places a significant burden on the grower to know who is on the farm and where these outside persons may be at any time.

Question 4:

The standard requires that written information about each application, including the area treated, the date and time of application, the restricted entry interval, and the product name, registration number and identity of the active ingredient, be posted at a central place where it is accessible to employees. In most cases it must be posted before the beginning of the application.

What significant problems, if any, do you see in your farming operation coordinating the exchange of this information between crop advisors, custom applicators and yourself so that it can be posted by the time required? On average, how many applications are made on your farm during a year? How many separate (non-connected) parcels do you farm? How many applications are canceled at the last minute due to weather conditions or equipment problems?

Answer. Central posting of pesticide application information is a good idea for small growers with small numbers of workers. For larger operations which can spread over large areas, their workers may seldom if ever, report to a central location. In many cases, individual fields may be separate from the central packing facility or administrative site. At the satellite fields most growers do not maintain facilities for information exchange as required by the rule.

Also, for large farm operations where integrated pest management is well established, the farmer may perform hundreds of individual pesticide applications. For example, a different pesticide rate or timing for small blocks of crop or different apple varieties in an orchard. By posting all of these individual pesticide applications, workers can be overwhelmed by the amount of information.

Question 5:

The new standard requires you and your family to comply with labeling requirements for personal protective equipment (PPE) and labeling prohibitions pertaining to REIs.

What situations would require you to enter your field shortly after an application (during a restricted entry interval)? How will the requirements for PPE and the time and activity limitations impact these needs? Will this create any problem situations for you?

Answer. Enforcement of provisions requiring the farmer or immediate family members to wear all protective clothing listed on the pesticide label is comparable to mandatory seat belt laws. Under conditions of heat and high humidity many individuals are going to choose limited pesticide exposure over the use of protective clothing that limits their mobility and may result in heat stress. Merely having required protective equip-

ment in each vehicle on the farm can be a major cost and logistical issue, because the farmer cannot anticipate which vehicle he will be operating when field entry is required.

Question 6:

The standards provides that the farmers is equally responsible for compliance and violations that might be made by another person acting for you in either an employment or contractual relationship, such as a custom applicator.

Do you sometimes use a contractor because you feel they can do a better and safer job? Is the passing of some liability to them a consideration in your decision? If you are equally liable for violations, how would this affect your decision to use a contractor, such as a custom applicator?

Answer. I view this issue as similar for both the custom applicator and the farmer using custom application services. The WPS communication requirements place a significant burden on both parties to communicate before, during and after pesticide applications. The most up to date communication technology, cellular telephone, offers the best opportunity to meet these communication requirements.

Question 7:

The new standard defines crop advisors as pesticide handlers, like mixers/loaders, and applicators. Advisor employees, such as dealers of farm management firms, must meet the same requirements as custom applicators, including PPE, change area, decontamination facilities, emergency eye flushing, monitoring every 2 hours, handler training, and site specific information.

Do you use a crop advisor? What impacts do you see this having on the work of the crop advisor, the advisor's employer, and your farming operation?

Answer. The response to this question is similar to question six. The demands for communication between the farmer and any commercial crop services provider will create many opportunities for failure to exchange required information.

Question 8:

The new standard requires training every 5 years of both pesticide handlers and early entry fieldworkers before they begin work. Other fieldworkers must be trained before they begin their 6th day of work (until October 1995, then before the 16th day). You have equal responsibility with the custom applicator or labor contractor to ensure these employees are trained. The trainer must be a certified applicator or meet other state designated qualifications.

How would you go about ensuring these employees (both your own and contractors') are trained? Would you attempt to train yourself or hire a training firm? If hiring, would you be likely to give any preference to applicants who could demonstrate that they were already trained?

Answer. In our discussion with growers and OSU Extension staff, the point is to keep this process as simple as possible. We recommend state standards for trainers be no more restrictive than those found in the WPS. Considering the limited complexity of training requirements for workers and handlers, it is the belief of those with whom we have discussed this issue, that ODA and OSU Extension identify training materials which are approved for use by agricultural employers.

Train the trainer programs can be incorporated into existing pesticide applicator training programs. Agricultural employers could then utilize training and; video tapes,

posters, and other materials available from OSU Extension to provide the required training.

Training verification can be documented by signature acknowledgment by the employee. The use of training verification or identification cards is not recommended.

Mr. COCHRAN. Madam President, let me just say that one of the issues touched on in this questionnaire had to do with whether or not the nursery industry would be covered by this new regulation. According to the response of the Ohio Department of Agriculture, we are not talking about huge land-owner operations necessarily when we are talking about these regulations. They apply in many more situations, small nurseries.

Here is one example. I am reading from answer No. 1. "While EPA has proposed to allow some leeway for cut-flower growers—roses, carnations, et cetera—this exception would not apply to bedding plant producers who are very numerous in Ohio. Ohio Department of Agriculture could take advantage of authority allowed by the WPS—that is the Worker Protection Standard—"to seek exception to limits on hand labor during a REI." That is a Restricted Entry Interval, a technical phrase that they are trying to understand as they sort through the regulations. "Any exception is likely to draw legal challenges from organized labor as it threatened against the exception currently proposed by EPA."

Now, I point that out, Madam President, simply to illustrate the fact that there is still a tremendous amount of uncertainty about the impact of these regulations—who might be fined or have sanctions imposed against them, who may be trying in good faith to comply with the regulations.

It is the State departments of agriculture who are going to have the burden of enforcing adherence to the regulations. That is the whole point.

This is offered because the departments of agriculture have been continually trying to get a postponement of the enforcement date, the date when citations will be issued, so that they can have their workers trained, they can have staff people who understand what they are doing out there enforcing the regulations, rather than just guessing in their conversations with farmers and farm workers.

So the whole point of this is not to change the law. The whole point of this is not to change the regulation, but to ensure that there is a period of time within which the enforcers at the State level, agricultural producers, farm worker groups, and all, can be certain what is and is not against the rules and how do you go about protecting farm workers under these regulations. That is the purpose of the amendment.

I hope the Senate will reaffirm their decision on the amendment and vote "aye" when the roll is called.

The PRESIDING OFFICER. Is there further debate?

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, we are back now to where we were at about 10:30 this morning. The distinguished Senator from Mississippi was submitting his amendment. I noted at that time that pesticides and agriculture was not the subject of the bill and was not germane.

I heard, thereupon, that the distinguished Senator from Mississippi was working his staff with the chairman of the Agriculture Committee, Senator LEAHY. Senator LEAHY was busily engaged in the markup of the rewrite of the Department of Agriculture's reorganization, a very important matter.

But, by noontime, Senator LEAHY was on the floor and addressed the subject matter. I understood and I was confident they had worked out a compromise, when the distinguished Senator from Ohio came to the floor and, in reviewing the bill, had some questions and asked that 20 minutes be allowed so that his staff could really go down each item and advise him further. I said, "Fine."

And then, 1 hour and 20 minutes after the 20 minutes given, I said I was ready to move, in frustration really, to try to get a vote to try to move something on this bill, that I would be moving to table. I was prepared to move to table the amendment by 2:30, but, at the request of the distinguished majority leader, he said let us put it at 3 o'clock.

So we then had at least an hour when we got the rollcall ordered and notice given to all Senators. So we knew we had a rollcall on the motion to table. If Senators were not informed, I do not know how to give them more time to be informed.

I happen to agree with the Senator from Ohio. It does not belong on this bill. It needs to be debated otherwise and fully considered and fully heard. Things of that kind are totally extraneous from anything we have in this 140-page measure.

But there is the action of the Senate. We have to have action. We have to start moving on some of these amendments, because you can see the position that we are in once this is disposed of and we go back to the Danforth amendment.

Here we have an amendment that states very simply:

Notwithstanding any other provision in this act, the amounts authorized to be appropriated by this act shall not be appropriated, but rather the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit.

Well, quite to the point, we do not need an amendment for the Finance Committee. They can consider this amendment, any amendment, or no amendments. And even after considering it, we know, after passing tax laws,

it has to arrive in the House of Representatives.

Working 3 years at least on the bill, having passed it, as was noted by the Senator from Arkansas, back in 1988, having it included in an authorization 2 years ago by President Bush, all with the support of the distinguished Senator from Missouri who is the ranking member on my committee, having been sent 2 years ago unanimously over to the House side and agreed upon in conference, then, with the House and Senate all signing off, including the distinguished Senator from Missouri, then we could not get it up in the closing days so we come back and unanimously pass it out of the Committee of Commerce with the support of the Senator from Missouri—and now he comes and talks about philosophy. Maybe just take all the money.

We have had programs—we have the Bureau of Standards, which is now the National Institute of Standards. That is the major portion of the money. So you would not want to just abolish the Bureau of Standards and consider, over in the Finance Committee, an R&D tax credit with those moneys, which is not necessary for the consideration of the Finance Committee in the first place. It is absolutely ludicrous what they are doing here.

I am trying to fathom just what they have in mind, because we had such strong support. I will be able to address my comments further on the Danforth amendment. But I wanted to note for the RECORD we have been more than deliberate, more than considerate. It has been the Members who just will not come to the floor, will not debate it, will not bring their amendments, and are using every delaying tactic. And then they are going to come around—and I can see them beating on my shoulder tomorrow night: Why do we have to stay here until Friday?

We are going to stay here until Friday. The majority leader announced that last night. Heavy on Friday, and I hope maybe we can get votes on Monday. If there is any way to work it out, this Senator is ready to work it out and keep working this bill, because we know we have a solid bill. The third day on this bill, after unanimously passing it twice, now comes with not an amendment to the bill. But now we are back to pesticides. And when we get through with the pesticides, the next amendment is going to be the R&D tax credit for the Finance Committee. That is all out of whole cloth. But I do appreciate the indulgence of the Senate.

So we can just understand what we are trying to do, if there is an amendment to the bill, name the page and section, and fine; let us amend it or at least consider it. But let us not come with R&D tax credits, not within the purview of our Commerce Committee; pesticides, not within the purview of

the Commerce Committee, or this particular measure; not with GATT Treaties; not with postal affairs and all these other things that are coming along.

I do not know where they get the idea just because they have a good bill that has been reconciled with everyone now they want to, like Samson, come and tear the walls down and ruin it all; just get nothing. And then talk about gridlock.

But I am glad to see the Senator from Oklahoma here because they told me he was coming to the floor at 2 o'clock yesterday.

Is there further debate on the bill? Are we ready to vote again?

Mr. METZENBAUM addressed the Chair.

THE PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I have been around here a long time. I understand when you lose a vote, tabling 65 to 35, it is pretty hard to defeat it the second time around. You may even lose some of those. But I just feel so strongly, so deeply about this whole question of farm workers.

I do not know farm workers. I am a city boy. I do not know much about farms. I know more about what is happening in the communities of Cleveland, Columbus, Youngstown—some of the other cities of Ohio. I have a relationship with the farm workers of Ohio, some of the farmers of Ohio. I would not be here if I did not have a good relationship with them. After my original remarks, I just got a call from the Ohio Farmers Union saying: We are totally supportive of what your position is on this.

I say to all of you, you all go out and campaign, talk about your concern for the American people, indicate you are here because you want to make America a better place in which to live. I would say, of the 100 Members of this body, myself excluded—they are all sterling men and women. Overwhelmingly churchgoing people, some temple-going people—whatever the religious preference. But in the main, God-fearing people concerned about their fellow human beings on Sunday, or on Saturday, as the case may be.

But this is only Wednesday. And this is the day when push comes to shove, when we really ought to be concerned about our fellow human beings—not what we say in our prayers, but what we do here on the floor of the Senate.

Nobody is talking about imposing some big tax or something. That is not involved in this amendment at all. Nobody is talking about any special provisions that are going to make farmers of this country have an undue burden.

My good friend from Mississippi, a very well-respected Member of this body, says all we are trying to do is get some delay. I confess when I left the Senate before, around the noon hour, I

was under the impression there had been some compromise worked out and there was going to be some delay. But not 18 months. I think it was to be 9 months, as I understand it.

I came back and said, "What happened?"

They said, "We are not quite sure, but I guess the Senator from Mississippi and his colleagues rejected that."

Mr. COCHRAN. Mr. President, will the Senator yield on that point just for a response?

Mr. METZENBAUM. Sure. Sure.

Mr. COCHRAN. I think there may be some misinformation about that matter. The understanding was that there would be a moratorium agreed to by the Senate that would last until January 1, 1995, and the Senate would contemporaneously pass a freestanding bill in addition to approving the amendment that would be placed on this bill that would have the same provisions.

This Senator was advised that the Senator from Ohio—and maybe others, but specifically the Senator from Ohio—objected to the passage of the freestanding bill. That was my understanding why the agreement was not reached.

Mr. METZENBAUM. Mr. President, I would like to respond to my colleague. Until you just said that, I never heard it. So, the whole question of a freestanding bill—I was involved yesterday on some issues having to do with a freestanding bill, but not on this subject at all. It was a totally unrelated subject with the Senator from Kansas [Mrs. KASSEBAUM]. There we did agree upon a freestanding bill, to which she was very agreeable. We were agreeable, too. We came to agreement. Whether or not somehow there was a miscommunication, I do not know.

Let me ask the Senator from Mississippi a very elementary question at this moment. Will the Senator from Mississippi agree to reduce the 18-month period to 9 months?

Mr. COCHRAN. Mr. President, I will be happy to respond to the distinguished Senator, if he will yield. We had tentatively reached an agreement to do that so the date would be January 1995, if there could be the passage by the Senate of a freestanding bill that would contain the same provisions. That was the proposal that was made by this Senator for one way to resolve the issue.

We had been led to believe that had the support of Senators on your side, including the Senate Agriculture Committee and others, but that the Senator from Ohio objected to it.

Mr. METZENBAUM. Mr. President, as I have already indicated, I did not object to it because I did not know about it until my colleague just mentioned it. Would the Senator from Mississippi be willing to accept the com-

promise, 9 months in this bill, and do it right now and pass it and get it behind us? Because a freestanding bill involves the leadership of the Senate, it involves other committees of jurisdiction.

But if we could agree upon a 9-month delay, would that be acceptable to the Senator; either he could offer it or I could offer it, and then agree to the amendment?

Mr. COCHRAN. If the Senator will yield further, Mr. President, I will respond by saying what we want is a delay that sticks and that we know we are going to have, not just one that is attached as an amendment to this bill that may not be accepted by the House.

It may be changed in conference and modified even further. What we need is relief from the April 15 deadline that is almost upon us, a little more than a month away. So we need action, and we need to be assured that this will be something that will delay the enforcement of the regulations.

Mr. METZENBAUM. Neither you nor I have control of all the procedures, both in the Senate and the House. We do have some impact upon this piece of legislation at the moment. As I understand it, your desire is to delay it until, is it January 1, 1995, or is it 9 months?

Mr. COCHRAN. The date in the amendment is October 23, 1995. That was the original provision of the amendment. Just for the Senator's information, we were using the Kassebaum amendment as a model for trying to craft a compromise that could be a fair resolution of the issue.

Mr. METZENBAUM. Mr. President, I am a little confused now when you mention the Kassebaum amendment because the Kassebaum amendment, as you well know, has to do with airplane manufacturers' liability, a totally unrelated subject.

Are you now suggesting that this matter be joined with that issue in a bill? I am not quite clear because I am trying to figure out whether or not we can resolve this issue now. As I understand this bill that is pending, it provides for an 18-month delay in implementation; is that correct?

Mr. COCHRAN. The Senator is correct, Mr. President, if the Senator will yield.

Mr. METZENBAUM. Would you be willing to agree now in this bill—I do not know about a separate bill because that gets beyond my rank—but the question is, would you be willing to agree to a 9-month extension and adopt this amendment?

Mr. COCHRAN. Mr. President, if we were starting over again, and the Senate had not voted by such an overwhelming margin against the motion to table this amendment, I would be willing to discuss what we could do on this bill. But without some assurance that the action we take in agreeing to

a compromise on the amendment that, in effect, has been approved by the Senate, which includes a freestanding bill that the Senate will pass, I am unable to make that kind of concession right now.

Mr. METZENBAUM. Mr. President, will the Senator from Mississippi give some indication as to why he thinks that a freestanding bill is going to be that much easier to pass both in the Senate and the House because a freestanding bill, as you know, coming to the floor of the Senate is subject to amendment and open to any kind of amendment, whether it is striker replacement or some measure somebody else might have in mind.

We are now talking about this particular bill and whether or not we cannot wrap this up momentarily, in short order, and let the Senator from South Carolina proceed to the conference committee. My guess is, if that were the result that came about, that we agreed upon a 9-month figure and put it to bed, I do feel strongly it has a much better chance of remaining after the conference committee meets, because I think the Senate would have indicated—I am simply indicating we adopt that by voice vote.

Mr. COCHRAN. Mr. President, if the Senator will yield, I would ask the Senator to consider whether we could agree to a freestanding bill with a 9-month delay of enforcement of the regulations under the following conditions. There would be no amendments to the bill and no motion to table or change the bill in any other way. This amendment would be taken up and passed by the Senate, and it then could proceed to be adopted on a voice vote to this bill, as it has been presented to the Senate. In my view, that would be one way to resolve the issue.

But otherwise, we see no need to change this amendment, which has already been, in effect, approved by the Senate. It does not seem to this Senator that we are in any position now to have to make any concessions to the Senator from Ohio to get the Senate to approve this amendment and on which the yeas and nays have been ordered.

Mr. METZENBAUM. If I may respond to my friend from Mississippi, I do not believe it has been approved. I think the Senate concluded not to table it. I also believe that many Members of the Senate are not aware of the damage and the hurt that this could do to literally thousands of farmworkers in this country.

I think the Senator from Mississippi is also aware of the fact that this amendment is open to a second-degree amendment of any kind whatsoever with no limitations, and the Senator from Ohio makes no bones about it that he is considering offering such an amendment because it is a great vehicle to use.

So I do not think the ball game is really over, even though the Senate refused to table the amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I understand that the Senator from Ohio momentarily will be back in the Chamber. They are negotiating.

Going right to the point, Mr. President, with respect to the Danforth amendment, the distinguished Senator from Missouri has come with this folderol, as best it could be described, about the alleged new philosophy underlying this bill. And he says, by the way, they had a hearing this morning and that he asked the president of Boeing about the matter of subsidies that would be obtained from the Department of Defense. And, of course, the Boeing president, as he allowed, said no, there were not any subsidies for aircraft, commercial aircraft manufacture from the Department of Defense.

Let me first state that the president of Boeing was testifying before the Finance Committee this morning in support, in support, of the so-called subsidy provision of GATT. That should not be misled. And then emphasize that the Senator from Missouri did not have to ask any questions about what the president of Boeing thought or felt about it because he, the Senator from Missouri, knows of the Department of Defense and its subsidy of commercial aircraft manufacturing.

In fact, on his bill, S. 14, of which he is the principal author, as to aeronautical technologies research, development, and commercialization, he cites on page 4 the Department of Defense and says:

Such government/industry consortium should focus its efforts on research, development and commercialization of new aeronautical technologies and related manufacturing technologies as well as the transfer and conversion of aeronautical technologies developed for national security purposes to commercial applications for large civil aircraft.

I notice the majority leader has come to the floor. I want to yield at this particular point, but I emphasize that there is no new philosophy. I am hearing from colleagues from the other side of the aisle that maybe we can tighten this a little bit. It does not need tightening. The distinguished Senator from Missouri has been talking about \$2.8 billion. But the truth of the matter is there is only \$70 million in extension centers for 1995, \$100 million for 1996, and over a 2-year period \$170 million. That is a mere pittance. If they want

to tighten it more, it is not \$2.8 billion when he says in his amendment to take the moneys under the bill and do not even appropriate them. He abolishes the old Bureau of Standards at \$400 million. In there is the old Bureau of Standards and the other departments of commerce, not the grant programs.

So this is a well-conceived, comprehensive approach to the matter of competitiveness and technology. But it is totally not representative of some kind of plum or pork bill and slush fund of \$2.8 billion. Then to come now and beg the question. After all, in defense there is no spinoff to the private aircraft industry.

We have in here, and I will quote it further. McDonnell-Douglas just won an award that they bid on from the Department of Defense for the commercialization of technology in the private aircraft industry.

I yield the floor.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I wish to address a matter not related to the legislation.

THE SO-CALLED WHITEWATER MATTER

Mr. MITCHELL. Mr. President, earlier today the distinguished Republican leader made another in a series of speeches on the Senate floor regarding the so-called "Whitewater matter," and I feel constrained to respond.

Mr. President and Members of the Senate, President Clinton has acted to address questions which have arisen about the so-called Whitewater matter. He has taken the necessary steps to assure that there will not be even the appearance of interference in the investigation by anyone in the Whitewater matter.

I was pleased to learn of the President's decision to name Lloyd Cutler as the new White House counsel. Mr. Cutler has brought experience in Government and in the law. He is a man of unquestioned integrity. He will serve the President and the Nation well.

The investigation is a serious matter. It is being conducted by a serious man, a special counsel. Robert Fiske is a man of unquestioned ability as a prosecutor. Mr. Fiske is a lifelong Republican. He was named as special counsel pursuant to a request led by Republican Members of Congress for the appointment of the special counsel. His appointment was applauded by virtually all in this body. The junior Senator from New York, for example, stated: "Bob Fiske is uniquely qualified for this position. He is a man of uncompromising integrity. He will unearth the truth for the American people."

Mr. President and Members of the Senate, there is only one way that Mr. Fiske will not be able to unearth the

truth for the American people. And that is if Congress now conducts a separate inquiry which will undermine Mr. Fiske's investigation and make it impossible for him to unearth the very truth which our Republican colleagues have said he will in fact unearth.

We need to allow Mr. Fiske to do his job. When Republican Senators called for the appointment of the special counsel, they said, if a special counsel is appointed, there will be no second-guessing. And, yet, within minutes after Mr. Fiske was appointed as special counsel, the second-guessing began, and it continues to this day with requests for immediate hearings in Congress even in the face of Mr. Fiske's stated opposition to such hearings. In a letter he clearly and eloquently set forth the complications which would follow were those hearings to be held. And yet despite his warning, our Republican colleagues continue to demand that there be congressional hearings, risking fatal damage to the investigation which has begun by the special counsel.

This demand for immediate hearings is clear evidence that the purpose is purely political. This is partisan politics at its worst, the sole purpose being to embarrass the President and to score political points.

Why is that so? President Clinton is moving forward on an important domestic agenda on health care, welfare reform, crime, and campaign finance reform. As a result, our Republican colleagues have been left with no real issues. They now seize upon Whitewater in a blatantly partisan effort to embarrass and weaken the President. I do not think the American people have been fooled, and we cannot allow their partisan effort to cause us to take actions which would undermine the investigation by the special counsel.

Early this week Mr. Fiske wrote the chairman and ranking member of the Senate Banking Committee requesting that, and I quote Mr. Fiske:

***committee not conduct any hearings in the areas covered by the grand jury's ongoing investigation, both in order to avoid compromising that investigation and in order to further the public interest in preserving fairness, thoroughness, and confidentiality of the grand jury process.

Mr. Fiske went on to say, and again I quote:

We are doing everything possible to conduct and conclude as expeditiously as possible a complete, thorough, and impartial investigation. Inquiry into the underlying events surrounding MGS&L, Whitewater and CMS by a congressional committee would impose a severe risk to the integrity of our investigation.

Mr. President, Congress has an important oversight responsibility. It must be met, and it will be met. But it should be met at a time and under conditions which will not undermine and defeat the special counsel's investigation.

In January of this year, Judge Lawrence Walsh, the independent counsel in the Iran-Contra investigation, stated, and I now quote Judge Walsh:

I think the views of some of those in the congressional committees that there was a possibility of concurrent activity that the Congress could investigate on television and that the criminal prosecution could also go on was just proved to be wrong, and I think the lesson is very clear, as we spelled out in the report. Congress has control. It's a political decision as to which is more important, but it can't have both. If it wants to proceed with a joint committee or a special committee or have—to compel testimony by granting immunity, it has to realize that the odds are very strong that it's going to kill any resulting criminal prosecution.

In his final report to the court on the Iran-Contra investigation, Judge Walsh wrote, and again I quote:

Congress should be aware of the fact that future immunity grants, at least in such highly publicized cases, will likely rule out criminal prosecution.

The report continues:

Congressional action that precludes, or makes it impossible to sustain, a prosecution has more serious consequences than simply one less conviction. There is a significant inequity when more peripheral players are convicted while central figures in a criminal enterprise escape punishment. And perhaps more fundamentally, the failure to punish governmental lawbreakers feeds the perception that public officials are not wholly accountable for their actions.

Mr. President, a serious investigation conducted by a serious man, with full and independent authority, is now underway. We should let that investigation continue and let the chips fall where they may. If there has been any wrongdoing, I am convinced Mr. Fiske will determine that, and there will follow appropriate prosecution and punishment, as there should be. If there has been no wrongdoing, I am confident he will say that in his report to the court.

We should not now be taking any steps which make his task impossible or anymore difficult. We must get on with the issues that the American people care deeply about. We cannot allow the political tactics and the political agenda of some in the minority to obstruct the President's agenda for America: Health care reform, job creation, crime control, welfare reform and, most importantly, continued economic growth.

Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I appreciate the comments made by the distinguished majority leader. I do not wish to engage in controversy with him over this matter, but I would like to have printed in the RECORD comments by the New York Times in their lead editorial this morning.

The New York Times is not known as being substantially supportive of Re-

publican efforts in the past, and they have seen fit to comment on this issue in ways that I think are instructive and are appropriate at this point.

I will submit the entire editorial and ask that it be printed in the RECORD, but if I might, first, I would like to read a few paragraphs from it that I think are appropriate here.

The Times says:

A potentially destructive battle over how best to investigate the Whitewater affair has erupted between Republicans who are pressing for congressional hearings and the independent counsel, Robert Fiske, who is pursuing a criminal investigation.

That is the subject the majority leader just outlined for us on the floor.

The Times goes on to make the majority leader's case in the first sentence.

It says:

Mr. Fiske fears that a rogue Congress could foul up his work—which it could if it plunges ahead with abandon.

Then the Times makes a case that I think we must pay attention to:

But Congress has a clear right to ask questions about Government regulation of the savings and loan mess in Arkansas and, even more urgently, about whether the recently disclosed White House meetings with bank regulators represented an attempt to obstruct justice.

The concluding paragraphs of the editorial summarized the issue very well, from my point of view.

It says:

Like most prosecutors, Mr. Fiske seeks complete control of the case. But he ignores the fact that similar congressional hearings in the past have produced significant new information that has ended up helping prosecutors to make their case. Indeed, Mr. Leach notes, it was questioning by Senator Alfonse D'Amato of New York at a recent hearing that led to the disclosure of the White House meetings and prompted Mr. Fiske to expand his investigation to include them. So, too, congressional Watergate hearings brought out the existence of crucial White House Tapes.

There should be room for give here by both sides. Mr. Leach and D'Amato should grant Mr. Fiske a headstart, probably measured in weeks.

May I repeat that: The New York Times is suggesting that we give Mr. Fiske a headstart in his investigation, but that it should be measured in weeks.

Then the Times goes on to conclude:

But Mr. Fiske cannot reasonably expect Congress to put off its hearings indefinitely, especially when the history of such hearings does not support his worst fears.

That is the end of the editorial.

I ask unanimous consent the editorial be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO INVESTIGATE WHITEWATER

A potentially destructive battle over how best to investigate the Whitewater affair has erupted between Republicans who are press-

ing for Congressional hearings and the independent counsel, Robert Fiske, who is pursuing a criminal investigation.

Mr. Fiske fears that a rogue Congress could foul up his work—which it could if it plunges ahead with abandon. But Congress has a clear right to ask questions about government regulation of the savings and loan mess in Arkansas and, even more urgently, about whether the recently disclosed White House meetings with bank regulators represented an attempt to obstruct justice.

The challenge now is for both sides to figure out a way for Congress to conduct legitimate inquiries without impeding a thorough and fair criminal investigation.

The White House and many Democrats complain that Republicans are merely out to embarrass the President and Mrs. Clinton. That is surely true of some—but the public has a right to know whether the White House is abusing its power.

Mr. Fiske concedes that Republicans like Representative Jim Leach are correct to insist on Congress's oversight responsibility. Even so, he fears that any hearings "would pose a severe risk" to his inquiry. That exaggerates the danger, so long as Congress refrains from granting key witnesses immunity—a problem that ultimately doomed Iran-contra prosecutions. The Republicans have already said they would not offer immunity.

Mr. Fiske is on stronger ground when he argues that Congressional hearings could lead to "tailored" testimony from witnesses who might adjust their stories after gaining access to documents or testimony before Congress. That risk, however, can be minimized if Congress agrees to delay its hearings and give Mr. Fiske time to interview the major players, especially those in the White House and the Treasury Department. In any case, the risk is not sufficient to justify asking Congress to abandon its oversight role until the end of an investigation of uncertain length.

Like most prosecutors, Mr. Fiske seeks complete control of the case. But he ignores the fact that similar Congressional hearings in the past have produced significant new information that has ended up helping prosecutors to make their case. Indeed, Mr. Leach notes, it was questioning by Senator Alfonse D'Amato of New York at a recent hearing that led to the disclosure of the White House meetings and prompted Mr. Fiske to expand his investigation to include them. So, too, Congressional Watergate hearings brought out the existence of crucial White House tapes.

There should be room for give here by both sides. Mr. Leach and Mr. D'Amato should grant Mr. Fiske a head start, probably measured in weeks. But Mr. Fiske cannot reasonably expect Congress to put off its hearings indefinitely, especially when the history of such hearings does not support his worst fears.

Mr. BENNETT. Mr. President, I suggest that this is an appropriate counterpoint to the presentation made by the majority leader.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent to set aside the

pending Cochran amendment and also the pending Danforth amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1485

(Purpose: To provide the Congress and executive branch agencies with timely statements of the potential regulatory impacts, including economic and employment impacts, of Federal legislation and regulations upon the private sector and State and local governments)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. REID, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BURNS, Mr. HELMS, Mr. BENNETT, Mr. DANFORTH, Mr. DOMENICI, Mr. GRASSLEY, and Mr. BOREN, proposes an amendment numbered 1485.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the subtitle, add the following:

SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) compliance with Federal regulations is estimated to cost the private sector and State and local government as much as \$850,000,000,000 a year;

(B) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities;

(C) State and local governments are forced to absorb the cost of unfunded Federal mandates; and

(D) in addition to budget and deficit estimates, Congress and the executive branch decision makers need to be aware of regulatory cost impacts of proposed Federal actions on the private sector and State, local, and tribal governments.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that the people of United States are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) to require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities.

(C) to provide a means to ensure that congressional and executive branch action are focused on enhancing economic growth and providing increased job opportunities for the people of United States; and

(D) to protect against congressional or executive branch actions which hinder economic growth or eliminate jobs for the people of United States.

(c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS FOR LEGISLATION.—

(1) PREPARATION.—The Director of the Congressional Budget Office (referred to as the "Director") shall prepare an economic and

employment impact statement, as described in paragraph (2), to accompany each bill or joint resolution reported by any committee (except the Committee on Appropriations) of the House or Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the bill or joint resolution and a determination of the groups and classes of such individuals and businesses;

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the costs which would be incurred by the private sector in carrying out or complying with such bill or joint resolution in the fiscal year in which it is to become effective, and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate.

(ii) Estimates required by this subparagraph shall include specific data on costs imposed on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) the estimates required by section 403 of the Congressional Budget Act of 1974; and

(ii) an evaluation of the extent of the costs of the Federal mandates arising from such bill or joint resolution in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(3) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the Director shall submit a statement setting forth the reasons for non-compliance.

(4) STATEMENT TO ACCOMPANY COMMITTEE REPORTS.—The economic and employment impact statement required by this subsection shall accompany each bill or joint resolution reported or otherwise considered on the floor of either House. Such statement shall be printed in the committee report upon timely submission to the committee. If not timely filed or otherwise unavailable for publication in the committee report, the economic and regulatory statement shall be published in the Congressional Record not less than 2 calendar days prior to any floor consideration of a bill or joint resolution subject to the provisions of this subsection by either House.

(5) COMMITTEE STATEMENTS OPTIONAL.—Nothing in this subsection shall be construed to modify or otherwise affect the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, regarding preparation of an evaluation of regulatory impact.

(d) ECONOMIC AND EMPLOYMENT IMPACT STATEMENT FOR EXECUTIVE BRANCH REGULATIONS.—

(1) PREPARATION.—Each Federal department or executive branch agency shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany regulatory actions.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the regulatory action and a determination of the groups and classes of such individuals and businesses.

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the costs which would be incurred by the private sector in carrying out or complying with such regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate;

(ii) The estimate required by this subparagraph shall include specific data on costs on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) an estimate of cost which would be incurred by State and local governments in carrying out or complying with the regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for such estimate;

(ii) a comparison of the estimates of costs described in clause (i), with any available estimates of costs made by any Federal or State agency;

(iii) if the agency determines that the regulatory action is likely to result in annual cost to State and local governments of \$200,000,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government, a statement by the agency detailing such results or consequences; and

(iv) an evaluation of the extent of the costs of the Federal mandates arising from the regulatory action in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(4) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the agency or department shall submit a statement setting forth the reasons for noncompliance.

(5) STATEMENT TO ACCOMPANY FEDERAL REGULATORY ACTIONS.—The economic and employment impact statement with respect to a regulatory action required by this subsection shall be published in the Federal Register together with the publication of such regulatory action. If the regulatory action is not published in the Federal Register, the economic and employment impact statement shall be made available to the public in a timely manner.

(6) DEFINITION OF "REGULATORY ACTION".—For purposes of this subsection, the term "regulatory action" means any substantive action by a Federal agency (required to be or customarily published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, notices of proposed rulemaking, interim final rules, and final rules and regulations.

(e) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENTS.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS ECONOMIC IMPACT STATEMENTS.—The President may waive the requirements of subsection (d) at any time in which a declaration of war is in effect, or in response to a national security

emergency as determined by the President in consultation with Congress.

(f) EFFECTIVE DATE.—This section shall take effect 30 days after the date of enactment of this Act.

Mr. NICKLES. Mr. President, the amendment I sent to the desk today is on behalf of myself and Senator REID, Senator MCCAIN, Senator MURKOWSKI, Senator BURNS, Senator HELMS, Senator BENNETT, Senator DANFORTH, Senator DOMENICI, Senator GRASSLEY, and Senator BOREN.

Mr. President, this amendment is germane and is about competitiveness. I think when we talk about competitiveness, we must not miss the point and the fact that the Government can do a great deal of harm through overzealous regulation. One way to alleviate this problem is to give policymakers the tools necessary to evaluate the proposed policy on its economic and regulatory impact.

That is why, today, Senator REID and myself are offering the Economic Employment Act as an amendment to Senate bill 4, the National Competitiveness Act.

The economic and employment impact statement was reintroduced at the beginning of Congress as a freestanding legislation and was offered as an amendment to the EPA Cabinet bill last year, and it received 48 votes. We have all been here before, and we know the escalating cost of regulation is a serious problem. The administration has acknowledged that it is a problem. The national performance review estimated private sector compliance costs to be at least \$430 billion per year—9 percent of our gross domestic product.

The premier paper on the cost of Federal regulation, entitled the "Cost of Regulation," was prepared for the GSA Regulatory Information Service Center by Thomas Hopkins in August 1992. This analysis estimated that the Federal regulation cost to the private sector and State and local governments was \$581 billion, or \$5,934 per household, in 1993.

It should be noted that the \$5,934 per household is in addition to \$11,881 in taxes paid per household, for a total Federal burden of \$17,816 per household.

Other economists estimate the private sector and State and local compliance burden to be as high as \$860 billion per year. It is time for Congress and the regulators to have better information on the cost of new legislation and regulation, and to be accountable to individuals, consumers, businesses, and State and local governments for those costs.

Modifications to the amendment offered last spring have been made to address some of the concerns that were raised during the debate.

This modified economic and employment impact act would require that bills and joint resolutions reported out of committee, except for the Appro-

priations Committees, considered by Congress be accompanied by an economic and employment impact statement.

The statements will contain the positive and negative effect on individuals, consumers, businesses, and State and local governments.

Further, it would require that regulatory actions issued by the executive branch agencies also be accompanied by such a statement.

This amendment addresses the concerns raised last year, including the duplication of Congressional Budget Office efforts, the requirement for two analyses, and holding up conference reports.

In addition, we have addressed the concerns about change in the Senate rules by not making any changes to the standing rules of the Senate. This is in contrast, I might tell my colleague from South Carolina, to the legislation we had last year that did have changes to the rules of the Senate which raised a great deal of concern by Senator BYRD and others. We made no changes to the rules of the Senate.

This amendment addresses duplication concerns by shifting the responsibility by providing the estimate from the Government Accounting Office to the Congressional Budget Office, who currently provides similar impact statements on legislation affecting State and local governments as required by section 403 of the Budget Act.

The purpose of this amendment is to give the responsibility of providing the regulatory impact statement to an organization within the legislative branch which has the technical expertise to provide better and more consistent estimates than we have had in the past. Currently, each committee is asked under the rules to provide such estimates. Unfortunately, meaningful impact statements are rarely provided.

This amendment complements the purpose of this bill, which is to promote industrial competitiveness and economic growth in the United States. U.S. businesses' greatest hindrance to growth right now is excessive regulation. The intent of this amendment is to establish a procedure to ensure better and more efficient regulation.

The process this legislation establishes does not pass judgment on a bill or regulation as good or bad but simply provides complete information as Congress and the regulators consider legislation and regulations.

Mr. President, in my opinion, this amendment is good government. Information on cost and benefits of regulation means better and more efficient regulation.

Again, Mr. President, we had similar legislation introduced by Senator REID and me last year. Some complaints were made because we were amending the Senate rules. We do not amend the Senate rules. Last year people made

complaints and said: Wait a minute. You are using GAO instead of CBO. This year we are using CBO.

So we have tried to make it simple. We have tried to make it plain. We do not amend the rules. Yet we do say before we consider really significant legislation that could have detrimental impact on the economy, that could have detrimental impact on individuals, that could have detrimental impact on businesses, we should know the costs. We should know how many people's jobs are at risk.

Although there are private estimates we should have CBO which right now CBO does. The Congressional Budget Office does this for any legislation that would impact on State and local governments. We expand that to include individuals and businesses.

Mr. President, I ask unanimous consent to add Senator COATS as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I yield the floor.

Mr. HOLLINGS. Let me ask a question.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I just resist further bureaucracy. The Senator says the CBO already does this with respect to States and he can see the result with respect to State and local governments. They are marching on Washington on account of unfunded liabilities. I hope that that will not happen now with the Senator's amendment.

Mr. NICKLES. If the Senator will allow me to yield, the present law under the Budget Act, Section 403 says that economic impact statement should be compiled or made before legislation that affects State and local governments.

I would readily concur with my colleague that has not necessarily prevented us from passing legislation that has adverse impact on State and local governments.

Anyway, we do have in present law under the Budget Act what they should do. This would expand that information service to at least be provided for legislation that would have some impact on individuals and on businesses as well.

Mr. HOLLINGS. Mr. President, as you can see in a flash, this again does not relate to the underlying S. 4 bill with respect to technology.

Now we have pending with set-asides a Danforth amendment relative to Finance Committee tax credits, a Cochran amendment relative to pesticides, and now we have the Nickles amendment on economic impact statements.

The story is told that of the Puerto Rican terrorists who came here some years back. They came in the railroad station and walked straight to the Capitol. The Senate was closest, so they

went first to the Senate Chamber. They sat in the gallery, looked down and saw very little activity, and what activity there was was hard to understand. They thereupon went over to the more lively Chamber, the House of Representatives, and shot the place up.

I hope the Americans watching right now do not have a similar reaction here because we have very little activity. What is going on here is totally out of the whole cloth, whether you're talking about an amendment to reduce pesticides regulation, an amendment relative to GATT treaty, or, in a minute, an amendment with respect to Whitewater. And, now, an amendment with respect to bureaucracy and the CBO reports. Next there will be an amendment to take this whole thing to the Finance Committee and ask them why they have not unconstitutionally passed a tax bill which under the Constitution, of course, should originate in the House of Representatives.

Having said that, let me yield to my distinguished colleague from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

THE WHITEWATER INVESTIGATION

Mr. PRYOR. Mr. President, I am very grateful to the Senator from South Carolina yielding to me, and with the indulgence of my friend from Oklahoma I will not address his amendment but I will respond, if I might, to a previous statement on the floor.

I must admit, Mr. President, I did not have the opportunity, because I was running over to the Capitol, to listen to the entirety of the statement. I do think, though, that the statement that I refer to which was given by my very good friend from Utah, the distinguished junior Senator from that State, Senator BENNETT, was talking about the New York Times or made reference to the New York Times editorial of this morning which was entitled "How To Investigate Whitewater."

Mr. President, this editorial has been the subject of some discussion today, not only on the floor of this body, but I think the distinguished minority leader inserted the entirety of this editorial into the CONGRESSIONAL RECORD this morning.

But I would like, if I might, to discuss one or two of the paragraphs that may not have been highlighted as they should have. I would like to quote, Mr. President, as I do at this moment:

Like most prosecutors, Mr. Fiske seeks complete control of the case. But he ignores the fact that similar congressional hearings in the past have produced significant new information that has ended up helping prosecutors to make their case.

Indeed, Mr. LEACH—or Congressman LEACH—notes, and I quote:

It was questioning by Senator ALFONSE D'AMATO of New York at a recent hearing that led to the disclosure of the White House

meetings and prompted Mr. Fiske to expand his investigation to include them.

Mr. President, that particular paragraph, I think, is presuming a great deal of knowledge.

One, we have no knowledge that Mr. Fiske had no indication that such a meeting had taken place. It was not necessarily involved in the Senate Banking Committee testimony where Mr. Fiske first heard of this so-called meeting in the White House. Mr. Fiske could have known of this meeting weeks ago because the White House has been very, very certain that any and all relevant information are going directly to Mr. Fiske. The President reiterated, restated his resolve, Mr. President, to have the White House, the entirety of the White House staff absolutely hold back nothing, indicating that every bit of information the White House had in its possession was given and going to be given to the special counsel, Mr. Fiske.

Mr. President, also I am not knowledgeable of whether or not the March 7, 1994, letter, addressed to Senator RIEGLE and Senator D'AMATO, as the chairman and ranking member of the Senate Banking Committee has been placed in the RECORD. Momentarily, I will ask that its full contents be placed in the RECORD so that our colleagues might take advantage of reading that particular letter.

Mr. President, this is not a normal letter. This is a letter of extraordinary importance. It is a letter once again dated March 7, just 2 days ago, in which it states in making reference to the possibility of a congressional hearing, and I quote from Mr. Fiske to Mr. RIEGLE and Mr. D'AMATO:

Inquiry into the underlying events surrounding MGS&L, Whitewater and CMS by a Congressional Committee would pose a severe risk to the integrity of our investigation. Inevitably, any such inquiry would overlap substantially with the grand jury's activities. Among other concerns, the Committee certainly would seek to interview the same witnesses or subjects who are central to the criminal investigation. Such interviews could jeopardize our investigation in several respects, including the dangers of Congressional immunity, the premature disclosures of the contents of documents or of witnesses' testimony to other witnesses on the same subject (creating the risk of tailored testimony) and of premature public disclosure of matters at the core of the criminal investigation.

Another paragraph or two down, Mr. President, at the conclusion of the letter from Mr. Fiske, the independent counsel:

For these reasons, we request that your committee not conduct any hearings in the areas covered by the grand jury's ongoing investigation, both in order to avoid compromising that investigation and in order to further the public interest in preserving the fairness, thoroughness, and confidentiality of the grand jury process.

Mr. President, I ask unanimous consent that the entirety of Mr. Fiske's

letter to Senator RIEGLE and Senator D'AMATO be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INDEPENDENT COUNSEL,
Little Rock, AR, March 7, 1994.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and
Urban Affairs, U.S. Senate, Washington,
DC.

Hon. ALFONSE M. D'AMATO,
Ranking Minority Member, Committee on Bank-
ing, Housing and Urban Affairs, U.S. Sen-
ate, Washington, DC.

DEAR SENATORS RIEGLE AND D'AMATO: I am writing this letter to express my strong concern about the impact of any hearings that your Committee might hold into the underlying events concerning Madison Guaranty Savings and Loan ("MGS&L"), Whitewater and Capital Management Services ("CMS") on the investigation that this Office is conducting into these matters.

As you know, I was appointed to the position of Independent Counsel pursuant to CFR 603.1 on January 31, 1994. Since that date we have obtained an order from Chief Judge Stephen M. Reasoner in the Eastern District of Arkansas authorizing the empaneling of a grand jury which will be devoted exclusively to the Whitewater/MGS&L/CMS investigation. In the meantime, we have been using the regular grand jury for this District. We have a team of eight experienced attorneys, six of whom were current or former prosecutors when they joined the staff. We are working in Little Rock with a team of more than twenty FBI agents and financial analysts who are working full time on this matter. We are doing everything possible to conduct and conclude as expeditiously as possible a complete, thorough and impartial investigation.

Inquiry into the underlying events surrounding MGS&L, Whitewater and CMS by a Congressional Committee would pose a severe risk to the integrity of our investigation. Inevitably, any such inquiry would overlap substantially with the grand jury's activities. Among other concerns, the Committee certainly would seek to interview the same witnesses or subjects who are central to the criminal investigation. Such interviews could jeopardize our investigation in several respects, including the dangers of Congressional immunity, the premature disclosures of the contents of documents or of witnesses' testimony to other witnesses on the same subject (creating the risk of tailored testimony) and of premature public disclosure of matters at the core of the criminal investigation. This inherent conflict would be greatly magnified by the fact that the Committee would be covering essentially the same ground as the grand jury.

While we recognize the Committee's oversight responsibilities pursuant to Section 501 of PL 101-73 (FIREAA), we have similar concerns with a Congressional investigation into the recently-disclosed meetings between White House and Treasury Department officials—particularly because we believe these hearings will inevitably lead to the disclosure of the contents or RTC referrals and other information relating to the underlying grand jury investigation.

For these reasons, we request that your Committee not conduct any hearings in the areas covered by the grand jury's ongoing investigation, both in order to avoid compromising that investigation and in order to further the public interest in preserving the

fairness, thoroughness, and confidentiality of the grand jury process.

I will be glad to meet with you personally to explain our position further if you feel that would be helpful.

Respectfully yours,

ROBERT B. FISKE, Jr.,
Independent Counsel.

Mr. PRYOR. Mr. President, also this morning in the Arkansas Democrat-Gazette, which is our statewide newspaper, Mr. President, among the clips that were sent up today was a disturbing clip that came to our office this morning, because it listed—and I think I will just go ahead and read it. It is short. It says: "GOP drops names in 'invitation' to testify."

House Republicans said Tuesday they want 40 people to testify this month before Congress in connection with the Whitewater Development Corp. controversy.

Questions about Whitewater and Madison Guaranty Savings & Loan Association are expected to be raised by Republicans during a House Banking Committee hearing March 24.

Officially, the meeting will be an oversight hearing focusing on the Resolution Trust Corp. But Whitewater-related questions are expected to dominate the hearing.

Rep. Jim Leach, R-Iowa, has asked House Democrats to formally invite the 40 people to the hearing. Even if Democrats agree with Leach's request, the witnesses might have to appear before the committee only on a voluntary basis, congressional aides said.

Well, here we go, Mr. President. And then they start listing all of the 40 individuals that they want to come to Washington, DC, to appear before the House Banking Committee, which, once again, is a committee to look at the year's activities of the Resolution Trust Corporation—40 people that they want to have attorneys, airplanes, travel, hotels, lawyers, whatever, to come and bask before the TV lights and the press of the world.

Maybe some of these people think they are not involved in Whitewater. Here is one. I do not know how he would be involved. Sheffield Nelson. He has been a Republican candidate for Governor in our State. I do not know what Mr. Nelson has to do with Whitewater necessarily.

He can afford it. He is a multimillionaire, Mr. President. Mr. Nelson can afford all the high-priced lawyers that he wants.

There are other people on this list. I am not going to name all the people.

But, Mr. President, there are a lot of people on this list that cannot afford some of the law firms that are going to get \$300 and \$400 and \$500 an hour to represent these people before the House Banking Committee or whatever committee that we are going to be talking about over the next several weeks and perhaps months.

I might add that Mr. Fiske has a 1-year lease on his apartment in Little Rock, AR. He has signed on the line for a 1-year lease, so he is planning to stay there awhile. He is down there, has a

big battery of lawyers, all kinds of staff. They are going to investigate thoroughly the entirety of the Whitewater issue.

He has also signed a lease, or someone has, allegedly, on the office space—I have mentioned this on the floor before—a 3-year lease for this particular office space.

Now that, frankly, sends chills up my spine, because I cannot imagine this inquiry taking 3 years. If it takes 3 years, and if all of the people here who are on this list, these 40 people—and I am sure they are going to add probably 40 more and then 40 more after that and 40 more after that—if all of these individuals have to hire lawyers and retain these lawyers for a year or 2 years or 3 years, the only people—the only people—who are going to be profiting from the Whitewater episode are going to be the lawyers. They are going to be the ones who profit from the Whitewater fiasco, whatever you might call it.

Mr. President, I am going to stand today on the floor of the U.S. Senate and I am going to say that someday I might stand at this particular desk and say, "Mr. President"—or "Madam President," depending on who is sitting there—"I think that we should have a congressional inquiry." I might say that. This Senator from Arkansas might come to the floor and say that.

But, Mr. President, at this time, I think the better part of wisdom and judgment is to abide by the advice of Mr. Robert Fiske, the special independent counsel, to not hold congressional hearings and to allow the special independent counsel to proceed at his own pace, undeterred, without all the confusion of a simultaneous congressional hearing that is going to turn into a Barnum & Bailey Circus.

That is what it is about. It is about politics; it is about politics as we know it.

Mr. President, in my opinion, this Congress would be doing a great disservice if we, at the same moment—at the same moment the special counsel is doing his investigation—try to appoint a special committee or even use one of the existing committees to investigate the Whitewater issue.

I have respect for the special counsel, and my colleagues on the other side of the aisle ought to have respect for this man, because he has not been what we call a Democrat. He has been a Republican most of his life. He has given campaign contributions to our colleagues on the other side of the aisle. And that is fine. But I think that that just goes to show to the degree of how independent this particular special counsel is going to be.

And I quote my friend from New York, Senator D'AMATO. When Mr. Fiske was named—I have done this before; this is the second time—Senator D'AMATO stated:

Bob Fiske is uniquely qualified for this position. He is a man of uncompromising integrity. He will unearth the truth for the American people.

He went on to say that he is " * * * one is one of the most honorable and most skilled lawyers anywhere."

So Mr. Fiske comes and pleads with the chairman and the ranking member of the committee not to go forward with hearings while he is doing his investigation, and yet there are those today who say we should not heed his advice. I say we should heed his advice.

We are going to make a terrible mistake right now. If we think the public clamor and the public demand to hold a congressional hearing is so strong that we have to give into that public clamor, Mr. President, I think that we are doing a great disservice to our country, to our President, and to the process that we have revered here for so long.

Mr. President, I thank the Chair for recognizing me. I thank my friend from South Carolina for allowing me to speak at this time.

I yield the floor.

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise not to respond to Senator PRYOR. Obviously some others will do that, perhaps in due course.

I just wanted to say a few words about the amendment that Senator NICKLES has pending before the Senate. Frankly, I say to my friend Senator HOLLINGS, who is the chief sponsor of this bill, I believe in good faith he speaks of this bill as one that he wants to add to our competitiveness and make us more responsive and capable of being more productive so we can compete in this new world market that everybody speaks of. Frankly, I believe the subject matter of the Nickles amendment belongs on this bill.

I do not know, maybe it could not have been put there because of jurisdictional issues. As the distinguished Senator, Senator HOLLINGS, produced this bill, it might have been difficult to report out of his committee a measure that perhaps belongs partially before the Governmental Affairs Committee or some other. But this country desperately needs to recognize that whether we believe it or not, when we pass laws and regulate our businesses we have a premise that is a secret premise. Whether we believe it or not, it is true. It sort of says: Anything worth doing is worth overdoing. That is where we are when it comes to the regulatory malaise in this country.

We do not even have an idea of what the regulations say or how they are in-

terpreted from some simple little law that we pass talking about safety. By the time it gets to our people, and in particular small business, it is so convoluted and so complex that one of the major reasons that American business, in particular our smaller businesses, are anxious and angry at their Government is because they think these regulations and rules are impractical, for the most part.

Frankly, they do not say that just because they do not want to do them. They say it because they know many of them cost far more than any reasonable person would say they are worth. As I understand the essence of the amendment, at certain intervals when we are ready to put a regulation in place, ready to pass a bill that has an impact in a regulatory manner on the businesses of this country—it does not say you cannot do it, it says: Do a bona fide evaluation of the economic impact of that regulation so somebody can say, is it worth it?

Frankly, I am in the process in my own State of asking a group of business people to regularly talk about regulations as they affect their own brothers and sisters in corporations, that are in business. We call it an Advocacy Group for small business, but its primary function is to talk to each other about inordinate, ridiculous—maybe I should even say sometimes stupid—regulations that have a huge impact. And the businessperson or business entity is saying, to what end? What are they trying to do?

I was hopeful, Senator NICKLES, I would be able to bring a big list of this advocacy group's findings. But they have just started working. It was just one little story in the newspaper and they are all getting called up, these advocates, these five or six. People want to go see them to tell them about something the Government is insisting upon that they think borders upon the absurd.

So I think at some point in time we ought to do something like this. I say for one, having been at this for awhile, I wish we did not have to. I wish there was another way for us to play a more important role in sorting out regulations and interpretations of our laws by regulators and rules imposed by regulators, informally and formally. I wish there is a better way.

Mr. HOLLINGS. Does my colleague think this amendment will clean up this regulatory abuse?

Mr. DOMENICI. It will help some. It will help some.

Mr. HOLLINGS. How? That is what I am wondering about.

Do we have an economic impact statement by CBO on the department of Government, whatever it is, under this bill? For this particular?

How much is it going to cost the Government to give an environmental impact or economic or employment im-

pact statement for every bit of Government activity? I remind my colleague and myself—here we have a problem of unfunded entitlements. We have toyed with that ad nauseam. Now what we have here is health care. So the solution of unfunded entitlements is one grand, magnificent, unfunded entitlement.

Mr. DOMENICI. No doubt.

Mr. HOLLINGS. Here we have too many regulations. I agree with that. Everybody knows it; regulations upon regulations and reports upon reports. We used to meet with the school boards at the appropriations level way back, and the school folks saying look at all these reports that we have to put in and other things. Now I am seeing Government saying, before we move we have to have an economic and employment impact statement?

I remember the largest building in the world, Building No. 1 down in Atlanta, GA, where they built all the aircraft during World War II. It covers 75 acres, which is 3.4 million square feet. It is, under one roof, 78 football fields. They were grinding out, at the end of the war, five B-29's a day.

We found out they broke ground for that building on February 1, 1942, and dedicated it and it was in operation March 1, 1943, in 13 months. They got a little lieutenant colonel in the Corps of Engineers and said go ahead and build the building, and he did. We cannot find him. But we know today it would take anywhere between 5 and 10 years to build the building with all the impact statements and reports and findings and hearings and bureaucracy. That is why I am particularly sensitive to an initiative of this kind. I know the intent is good. I know the Senator from Oklahoma is sincere. He has moved with it. From what I am understanding on this side, there is no one in the Governmental Affairs Committee—their committee, not ours—who wishes to be heard. Perhaps maybe we will accept it. I do not know. Whatever he wishes.

Mr. DOMENICI. Mr. President, I believe I have the floor. I am going to finish one thought and then I will yield. I will not take much time, if Senator NICKLES wants to move or vote—whatever he desires.

We tried a lot of things. Senator HOLLINGS will remember at one point we put in a law that the Supreme Court threw out that said before you initiate a full-blown regulation it has to come up and sit here in each House for 90 days and they have the right to veto it. Remember we had a veto regulation? I wish I remembered the case. It is a historic case. The U.S. Supreme Court said no dice; you cannot do that; separation of powers.

In a sense I am not sure that was the greatest. But we are trying to do something to get rid of this huge, huge abundance that builds up without us

knowing about it. My own observation as a Senator, after a number of years here, is that we ought to do something about it in an orderly way by making sure we actually oversight what our laws are doing and what regulations are doing in a more frequent manner in the committees of jurisdiction. We would be amazed at what we would find. Right now we will not do it because we do not want to spend the time and we do not think it is very politically forthcoming to have a hearing on regulations. But we would find so many things, if we had enough time to do that, that would become political issues and that would inure to our benefit. You cannot imagine.

That is why from my standpoint I believe the time has come to have more oversight in the Congress. That is why in the reform of the Congress the one major proposal I offered was to not have to appropriate every year, to not have to budget every year, not to pass any authorization for 1 year. Do them all multiyear so at least you are finished with this process that is redundant now that permits us to say we do not have enough time to do oversight, we do not have enough time to have hearings.

Having said that, the next best thing around is to adopt the Nickles amendment and make sure we do some impact statements on these regulations that have real, real anticompetitive components for American business.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator DOMENICI, for his statement. I hope my colleagues listened to many of the points that were so well stated by the Senator from New Mexico, because I will tell my friend from South Carolina that, if you go in and talk to your bankers and if they have any one big problem, it is usually not just taxes, it is usually not interest rates—although it may be sometimes—but it is probably Government regulations.

If you go in and talk to a business person and if they find out some of the legislation that is running through Congress, they say, "Wait a minute, what are you guys doing?" There is legislation—I mentioned to my friend from South Carolina—dealing with re-writing OSHA that, according to one article I read in, I think, the Washington Times, the cost of that will be \$62 billion per year on the private sector. I do not know. I am not privy to that report and how accurate it is. But I am sure that the legislation that is being discussed, the OSHA reform legislation, has some very well-meaning points. But if it is going to cost the private sector that much, I would like to know about it before we vote on it. I think it would help us. That is the purpose of our amendment.

I might mention, Mr. President, that there is a large group of organizations and associations that support the Economic and Employment Impact Act that Senator REID and I have been working on now for 2 years.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF THE ECONOMIC AND EMPLOYMENT IMPACT ACT

American Bankers Association.
American Farm Bureau Federation.
American Forest Council.
American Forest Resource Alliance.
American Furniture Manufacturers Association.
American Vocational Association.
Associated Builders and Contractors.
Citizens for A Sound Economy.
Computer and Business Equipment Manufacturers Association.
Independent Bankers Association of America.
Independent Petroleum Association of America.
International Association of Drilling Contractors.
National-American Wholesale Grocers' Association.
National Association of Homebuilders.
National Association of Manufacturers.
National Association of Regional Councils.
National Association of Wholesaler-Distributors.
National Cattlemen's Association.
National Conference of State Legislatures.
National Federation of Independent Business.
National Forest Products Association.
National League of Cities.
National Ocean Industries Association.
National Rural Water Association.
National Restaurant Association.
National Taxpayers Union.
Petroleum Marketers Association.
U.S. Chamber of Commerce.

Mr. NICKLES. Mr. President, that list includes the American Farm Bureau; American Forest Resource Alliance; American Furniture Manufacturers Association; American Vocational Association; Citizens for a Sound Economy; Independent Bankers Association; National Association of Home Builders; National Association of Manufacturers; National Cattlemen's Association; National League of Cities; National Rural Water Association; National Restaurant Association.

I have some letters from many of these organizations, but when you think about it, we have legislation that is pending, like the National Rural Water Association, like the Safe Drinking Water Act, which again have very noble and good goals, but how much will it cost?

Right now we monitor about 80 substances, and by the year 2000, we are going to monitor 200 substances. How much will that cost? I think this amendment will help that. That is what I am trying to do.

I appreciate my colleague's willingness to accept the amendment. That is fine with me. I urge its adoption.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to amendment No. 1485.

The amendment (No. 1485) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1480

Mr. HOLLINGS. Mr. President, what is the pending business now? Is it the Cochran amendment?

The PRESIDING OFFICER. The question recurs on the Cochran amendment No. 1480.

Mr. HOLLINGS. The distinguished Senator COCHRAN is here. Maybe he can inform us, or should we put in a quorum call now?

Mr. COCHRAN. Mr. President, if the Senator will yield, I am prepared to go forward with the vote, although the distinguished Senator from Ohio, Mr. METZENBAUM, indicated an interest in discussing the amendment further or possibly offering an amendment to the Cochran amendment.

Mr. HOLLINGS. I will seek his attendance here.

I suggest the absence of a quorum.

Mr. NICKLES. Will the Senator withhold? I wish to thank my friend and colleague from Mississippi for allowing me to set aside his amendment. I also wish to thank the Senator from Missouri for allowing me to set aside his amendment so we could adopt this amendment.

I appreciate their cooperation, as well as the cooperation of my friend and colleague from South Carolina.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, we have heard repeatedly from the distinguished chairman that the Senate has done all these things before; this is old news; where has everybody been? We have been asleep at the switch. This is nothing new; just a continuation of past programs; the same old thing.

I would respectfully call the attention of the Senate to the fact that it is not the same old thing; that this is a new venture into Government spending for the purpose of industrial policy, a quantum leap forward into something entirely new.

He said that the Senate has passed similar legislation. Well, in June 1992, the Senate passed something called S.

1330, the Manufacturing Strategy Act. That authorized \$280 million over 3 years. This bill authorizes \$2.8 billion over 2 years. There is a significant difference, I would submit, between \$280 million spread over 3 years and \$2.8 billion spread over 2 years.

Then let us look at some of the specific thrusts forward in spending that are represented in this authorization bill. This bill would authorize \$11 million for the Office of the Under Secretary of Commerce for Technology for 1995, and \$14 million for 1996; 11 and 14. What did we appropriate for 1994? \$6 million; not 11 or 14, but 6. This creates a pilot program for SBA. This is the venture capital initiative. It is a new initiative. It is not something old, it is not something we have approved in the past, voted for in the past. It is something entirely new and different.

The SBA pilot program, the Venture Capital Program, zero dollars in 1994; \$50 million for 1995; \$50 million for 1996; \$100 million in new funds authorized for something new and different, the venture capital fund, to be administered by SBA and Commerce.

Additional activities: Zero, of course, 1994; \$14 million, 1995; \$19 million, 1996.

National Institute of Standards and Technology, NIST funding: Appropriation for 1994, \$520 million. Authorization in this bill, \$991 million; for 1996, \$1.150 billion. That is roughly doubling the amount of funding for the National Institute of Standards and Technology.

The so-called ATP program: Appropriated for this year, \$199 million; authorized for 1995, not \$19 million but \$475 million, which is, of course, a way station on the way to 1996 in which \$575 million would be authorized.

Mr. President, to go from \$199 million to \$575 million is not more of the same. This is not stuff we voted on before. This is a new development, new initiatives in spending.

The Hollings Centers: \$30 million appropriated for 1994; \$70 million authorized for 1995; \$100 million authorized for 1996—more than a threefold increase for the Hollings Centers.

The NIST Laboratory to Improve Quality: \$3 million appropriated for 1994; \$10 million authorized for 1995; \$10 million for 1996. NIST Facilities: \$62 million this year; \$110 million authorized for 1995; \$112 million for 1996. Wind Energy: Zero this year; \$6 million 1995; \$3 million 1996. The National Technology Information Service: Zero 1994; \$20 million 1995; \$120 million 1996. Or the subtotal for the Department of Commerce, \$526 million has been appropriated this year. That will go to \$1.086 billion, more than doubling in 1995, and up to \$1.253 billion in 1996 for the Department of Commerce alone.

Now, how about the entire bill? For 1994, \$526 million has been appropriated for these various categories, and that is going from \$526 million this year, to \$1.370 billion in 1995, and in 1996, we would authorize \$1.478 billion.

Now, Mr. President, the Senator from Missouri would submit to the Senate it is simply not correct to suggest that this is just more of the same. This is a basic change in policy, a major increase in the function of the Federal Government with respect to pumping our money into the business sector of the country with respect to research and development, a change from \$526 million of appropriations to \$1.478 billion in a period of 2 years. It boggles the mind.

This is not more of the same. This is not matter that has been gleefully approved by Members of the Senate year after year. This is something new and different. This is what is accurately pointed out in the committee report where it is the position of the committee that "the Department of Commerce has a leadership role to play in this new era." It is a new era, and the Department of Commerce is to lead the way by this dramatic increase in spending.

Now, I have not chosen to fight this battle primarily on budget grounds. I assume that we do want to help science and technology in this country. Others might want to fight it on the budget ground. I am addressing it on industrial policy grounds. I think if we are going to spend this money, we should not be spending it in this fashion. We should not be creating industrial policy.

But to say that a dramatic shift from \$526 million to \$1.478 billion is more of the same is just totally wrong. We have never authorized anything like this before.

As I pointed out, the last time the Senate had an authorization bill that was similar to this was 1992, S. 1330, \$280 million over 3 years.

So I would suggest this really is a policy switch. This is a major question before us. This is a major change. This is industrial policy, new vistas for the Federal Government, new things for the Federal Government to do.

We have the wisdom somehow in Washington. We know what is good for the country. Just spend the money, dish it out. Find those sectors that are promising. Find those specific businesses that are promising. Put the money in them. If that is not industrial policy, what is industrial policy? That is clearly what industrial policy is. That is what it does.

Government, the all-wise, all-powerful, all-expensive Federal Government has the funds available, borrowed from our children, to put into whatever we in our wisdom see fit to put it into.

Well, I have an amendment which I have offered, and the amendment is very simple. The amendment says if we are going to spend \$2.8 billion, let us use it to extend the R&D tax credit, make it permanent, improve it. Take the advice of the business community that says give us a tax credit and then

let us make the decisions. Do not have the decisions manipulated from Washington.

That is what my amendment would do. Maybe some Senators would rather say we do not want to spend the money at all. Well, if they feel that way, they can vote for my amendment and then vote against the bill, if that is what they want to do. But what I am saying is if we decide to spend this much money, \$1.37 billion in 1995, \$1.478 billion in 1996, a grand total of \$2.8 billion over 2 years, let us do it in a way that is less manipulative of the private sector. Why do we have to horn in on everything? Why do we presume here in Washington that we have the knowledge, that we always have to create funds? The private sector just cannot get along without us; venture capital money being spent by Uncle Sam. Venture capital means venture. Venture capital means somebody is there who is taking a risk. We do not take risks. We are spending other people's money. There is no risk in Washington, putting money into some promising program. We just put it in. We are not taking a risk, and because we do not take a risk we tend to put money in and never take it out. If things do not go well, we put in more. Why, the sky is the limit around this place.

Venture capitalists say: Well, we are going to make a decision, and if it does not work out, we are going to pull the plug on that decision. We in Washington say we make decisions, and then when the squeaky wheel squeaks a little louder, we will make the decision all over again even more so.

That is the problem with this program. That is the problem with the idea that Uncle Sam knows best. Uncle Sam does not know best. Let us let the country work. Let us let the system work. And the way to do that, if you want to spend money on research and development, is to let the private sector keep the money it spends on research and development because the tax credit will be made available to the private sector.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, it is really difficult to respond civilly to those comments in the light of the Senate Republican Task Force "Report on Adjusting the Defense Base," dated June 25, 1992.

I ask unanimous consent that the section of that report, titled "Retaining our Industrial Base," be printed in its entirety in the RECORD.

Their being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM "REPORT ON ADJUSTING THE DEFENSE BASE"

B. RETAINING OUR INDUSTRIAL BASE

Retaining and improving the competitiveness of the American industrial and manu-

facturing base must be a critical goal of both public and private policy over the next few years. While many American companies have improved their productivity and competitiveness, in recent years, and while the export of American goods has increased, the importance of manufacturing industries in the economy has continued to decline.

The full range of policies that the U.S. government can adopt to strengthen our manufacturing base is beyond the scope of this Task Force's jurisdiction, and the recommendations listed below are not intended to be all-inclusive. Instead, the Task Force has confined itself to particular domestic policy proposals that will help our industrial base and at the same time be of some assistance to the individuals and companies that have been producing defense products.

1. Small Business Innovation and Research

Small businesses have been the leader in job creation and technology development in this country for many years. To facilitate the role of small businesses in this area, Congress in 1982 enacted legislation requiring that 1.25 percent of the research budgets of the largest federal research agencies be awarded in grants to businesses with fewer than 500 employees. Research projects are initially awarded a Phase I grant of up to \$50,000. A project is eligible for a Phase II grant of up to \$500,000 following a review of its potential. The SBIR program will end in 1992 if not extended by Congress.

This legislation has proven to be a tremendous success. As of 1990, almost one in four SBIR participants reported successful commercialization of projects six years after receiving Phase II funding. Seventy percent of the participants were businesses with fewer than 30 employees at the time of their Phase I award.

The Task Force recommends reauthorizing the SBIR program and increasing the set-aside from 1.25 percent to 2.5 percent. In addition, consideration should be given to increasing the maximum amount of the Phase I and II awards.

2. Aerospace Programs

The Task Force believes that the important programs of the National Aeronautics and Space Administration (NASA) need to be adequately funded. Four programs, for which President Bush has recommended significantly increases within the non-defense discretionary spending caps, deserve particular mention.

Space Station Freedom stands as one of the most promising examples of a federal program that cultivates dual-use technologies. The Space Station already offers the valuable opportunity for us to discover how and why human beings can live in space over long periods of time. It also has the potential to uncover unknown atmospheric impacts on weather patterns and soil quality, give doctors and technicians new insights into how medicine might cope with deadly diseases, and provide access to lighter and stronger components for manufacturing activity.

NASA's Aeronautics Research and Technology programs provide support for key technologies such as aerodynamics, high speed propulsion materials, and high performance computing. The President recommended a \$73 million (13 percent) increase in this program for FY 1993.

The President also recommended a \$24 million (16 percent) increase for NASA's Commercial Programs, including increased funding of the 16 Centers for the Commercial Development of Space. Finally, a \$18 million (7

percent) increase was proposed for NASA's space technology programs, including increases for communications technology and Earth-to-orbit transportation.

3. R&E Tax Credit/Educational Assistance Tax Deduction

The R&E tax credit provides a tax credit to businesses for their research and experimentation expenditures. This tax credit has been critical to maintaining the worldwide lead of American industry in advanced technologies.

The Employer-provided Educational Assistance tax exclusion permits individuals to exclude from their taxable income employer-provided educational assistance for upgrading their skills and training. This deduction could be of particular utility to employees of a defense contractor which needs to retrain its workers as part of an effort to diversify or expand into commercial markets.

Both the tax credit and the exclusion have received repeated temporary extensions to prevent them from expiring. The latest extension of six months expires on June 30, 1992. The Task Force recommends that both of these provisions be made a permanent part of the tax code or, at the very least, be extended for a period of five years to encompass the period of the defense build-down. A permanent or lengthy extension is desirable since it would bring some stability to this area of the tax code and facilitate long-range planning by businesses.

4. NIST Programs

The Task Force endorses two programs of the National Institute of Standards and Technology (NIST) as important to the effort to promote technology transfer to allow defense industries to convert to civilian activities. These programs are the Manufacturing Technology Program (MTC) and the Advanced Technology Program (ATP).

During FY 1992, \$15 million is available for the MTCs, and the President has requested \$17.8 million for FY 1993. MTCs are designed to enhance American manufacturing competitiveness by improving the level of technology used by small and medium sized companies. They serve as regional centers of information for these firms and also assist in workforce training to allow for the adoption of advanced manufacturing technology.

The ATP is funded at a level of \$49.9 million in FY 1992, and the President requested \$67.9 million for FY 1993. This program provides grants to industry for the development of pre-competitive generic technologies. Current projects include research and development in such areas as data storage, X-ray lithography, lasers, superconductivity, machine tool control, and flat panel display manufacturing.

5. Manufacturing Technology Programs

The Task Force supports increased funding for the manufacturing technology (MANTECH) programs in DOD. History has shown that MANTECH programs often return the value of the initial investment many times over through lowered production costs or improved equipment performance. As the new acquisition strategy places greater emphasis on research and development at the expense of production, defense firms can be expected to invest less in technologies to improve their manufacturing process. Over time, this lack of investment could provide a significant barrier to the application of new technologies in weapons programs. Therefore, substantial increases in DOD investment in MANTECH will be necessary over the next five years. Additional funds should be provided above the \$138 million requested by DOD for FY 1993. The Task Force believes

that, for such an investment to be effective, MANTECH funds should be expended on projects that are selected competitively on the basis of merit.

6. Manufacturing Extension Programs

In section 824 of the FY 1992 Defense Authorization Act, Congress provided authority to the Secretary of Defense to support regional, state, local, and other efforts aimed at providing manufacturing technology services to small businesses. \$50 million was authorized, but no funds were appropriated. The Task Force also notes that there are ongoing efforts to create such programs in other federal agencies; for example, \$1.3 million was appropriated to the Department of Commerce in FY 1992 for state technology extension programs. The Task Force recommends that any DOD role in this area should be limited to the support role envisioned by section 824 to reduce duplication among programs conducted by state and local governments and federal agencies.

7. Advanced Manufacturing Technology Transfer

The Task Force recommends use of the existing network of DOD maintenance depots (including shipyards) as sites to develop, test, evaluate, validate, and certify advanced manufacturing technologies for direct application to current manufacturing functions at the facility. Existing MANTECH procedures should be used in the identification, selection, and procurement of such technologies, to include emphasis on their dual-use features. The maintenance depots could seek to bring the technologies to the stage where they can be applied to existing manufacturing problems, creating an incentive for private sector investment in relatively risk-free, high-productivity equipment. The depots should observe MANTECH practices in encouraging industrial participation in the transfer of such technology from the laboratory to the factory floor.

8. Manufacturing Education

One of the key limitations to building a competitive manufacturing base has been the lack of education programs emphasizing manufacturing and production process engineering. To date, a few models have been developed by universities working with local manufacturing firms to structure integrated multi-disciplinary programs involving a significant work-experience component.

In order to foster a greater number of such programs, the FY 1992 Defense Authorization Act authorized \$25 million to fully fund DOD participation in ten existing or new university programs for manufacturing engineering education. A condition for an award is that at least 50 percent of funding be provided by non-federal participants in the program and that the program have the prospect of being fully funded by non-federal sources within three years. The Task Force supports a continuation of this program as an effective means of significantly increasing the number of well-trained, fully-qualified engineers, managers, and teachers entering and supporting the manufacturing workforce. The benefits will accrue to the defense as well as the commercial industrial base.

9. Environmental Research and Education

The Task Force is aware that a major obstacle in the process of site environmental clean-up is that there are not enough trained professionals in the environmental sciences. The Task Force therefore recommends that legislation be enacted that will establish programs at universities in the United States in the environmental sciences for

men and women with prior training in hazardous waste management and radioactive materials through the Departments of Energy and Defense to create a cadre of environmental scientists, technicians, and engineers. This will not only provide additional, needed professionals in this area, but will help provide productive employment for those individuals now working on the U.S. nuclear weapons programs.

Mr. HOLLINGS. Mr. President, it says here:

The formation of the Senate Republican Task Force on Adjusting the Defense Base was announced on April 15, 1992, by Senate Republican Leader Robert Dole.

Senator Warren Rudman was named as Chairman of the task force. Other Members appointed to the task force were Senator Hank Brown, Senator William Cohen, Senator John Danforth, Senator Pete Domenici, Senator Orrin Hatch, Senator Nancy Kassebaum, Senator Trent Lott, Senator Richard Lugar, Senator John McCain, Senator John Seymour, Senator Ted Stevens, and Senator John Warner.

And amongst other portions of this particular report, it has, on page 24, subsection 4, NIST Programs, and I read:

The task force endorses two programs of the National Institute of Standards and Technology as important to the effort to promote technology transfer to allow defense industries to convert to civilian activities. These programs are the Manufacturing Technology Program and the Advanced Technology Program.

Mr. President, these are the programs which are the focal point of S. 4. Specifically, we have sort of married up with the rich uncle. They got \$40 billion for Defense; this is a modest \$1.4 billion. Yet, like Chicken Little, they are hollering that the sky is falling. This is sheer nonsense.

The Department of Defense has \$40 billion of the \$70 billion, and we have had conversion studies here by both Republicans and Democrats. The distinguished Senator joined in this particular report and said: Get it out of Defense and put it in civilian. Here we are doing it. Here is where we take over one-half of the cost of administering these ongoing programs.

TRP, Arkansas deployment projects; Arkansas Rural Enterprises; Marlton, AZ, TRP employment projects; Maricopa County Community College District; California links in Hawthorne, CA, to extend extensions; Field Agents Institute specific market identify; TRP deployment projects; California Manufacturing Technology Center; IRTA in Santa Monica—on and on; Colorado, the links at Fort Collins to provide national interactive telecasts on competitive manufacturing technologies and techniques; the Mid-America Manufacturing Technology Center at Fort Collins; the National Technology University at Fort Collins; and in Connecticut, the Manufacturing Outreach Center.

Delaware; we have some in Georgia; the TRP deployment projects; Illinois; Iowa, the Manufacturing Outreach Cen-

ter; the Manufacturing Center there in Kentucky; the TRP deployment projects, Maryland, Massachusetts—going right on down the list: Michigan; we come to Minnesota; Missouri; Kansas City, MO, to provide product development and hard manufacturing assistance to small manufacturers in Missouri, Kansas, and Colorado via an electronically linked network of private industry, university, and Federal laboratory technology providers.

It is absurd to speak of S. 4 as some new departure, some new philosophy. Come on; come on now.

TRP in Missouri, deployment project; Dematech; Intercomp; Missouri Enterprise Business Assistance Center; Rolla, MO; Mamtech; Southern Missouri regional office; one in Rolla, MO—on down the list—Nebraska; New Mexico; New York; Oklahoma; Oregon; Pennsylvania; South Carolina is one, the TRP deployment project of Columbia; Tennessee; Texas; Virginia; Washington; West Virginia; Wisconsin.

These are the defense, already instituted programs of the manufacturing extension partnership, the very partnership that was called for by the distinguished Senator back in June 1992. Come on.

We all have been hearing that. We marry a rich cousin; try to get a little tidbit of Defense's \$40 billion. You get \$1.4 billion by 1996. You have the figures that were so dramatically enunciated here right this minute. It is \$726 million. So 2 years out, you have doubled it, taking over these partnerships to the tune of \$1.478 billion. We hope to get seven new manufacturing centers.

This is what has been done by the majority here. That is exactly what has happened. If you carry it forward, the amendment of the Senator from Missouri, where he says just cancel out the money. Here it is.

Have you ever heard of an amendment like this? I have been here for several years now. I never heard of this one. Here's what it says:

Notwithstanding any other provision in the act, the amounts authorized to be appropriated by this act shall not be appropriated, but rather the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit.

We do not need an amendment on this bill for the Committee on Finance to consider a research and development tax credit. They can consider the \$1.6 billion that they had at one time to take our bill. It only has \$170 million over 2 years; \$70 million if we have it. That will not get any kind of tax credit going. But it is totally unnecessary and totally unconstitutional.

The distinguished Senator, as a member of the Finance Committee, knows it. I do not know what the game is here. They get up and say, "Well, this is all new; we have a new philosophy," yet he called for it years ago, he voted

for it unanimously years ago, he voted for it last year. And then he came to me and said now, at the beginning of the year, "I don't like what happened in December with respect to subsidies on aircraft."

Well, we know what he thinks about subsidies on aircraft because he says right on with it. He has his argument, but he has his bill, S. 419.

Mr. President, this is to provide for enhanced cooperation between the Federal Government and the U.S. commercial aircraft industry and aeronautical technical research, development, and commercialization, and for other purposes.

It says in here including the Department of Defense. Earlier the Senator said, "Well, I was at a meeting this morning, and we had the president of Boeing. And I asked the president of Boeing, 'Did the Department of Defense have anything to do with technology and civilian aircraft?' And he said, 'No.'"

Well, come on. You can keep on saying no. That is absolutely false. He put in a bill that gets it going. Going further, under paragraph 13 on page 4, such Government-industry consortium is what he is trying to form, like Sematech. For the clarification of the Members, he says in section 11, Federal assistance, financial assistance to the semiconductor industry consortium, known as Sematech has been successful in improving the competitiveness of the U.S. semiconductor industry.

I tried to help the textile industry, and he voted against it. He got into the Finance Committee, and I worked with him on semiconductors, because I thought we ought to do that. There is no new philosophy to it. We know the Senator believes in the philosophy for semiconductors.

Reading further, trying to follow the model that the Senator believes in, a philosophy for aircraft, such a Government-industry consortium should focus its efforts on research, development, and commercialization of new aeronautical technologies and related manufacturing technologies as well as the transfer, Mr. President, and conversion of aeronautical technologies developed for national security purposes—transferred to commercial applications for large civil aircraft. He calls it a new one when he writes it in his own bill as of February 24 of last year. That is over a year ago. But now all of a sudden it is a new philosophy. Sooy pig, come for the money, and all that nonsense. Come on.

It goes right on down here. The U.S. commercial aircraft industry, developing an aeronautical technology consortium. He goes further about this Department of Defense that he talks about, and they never used the technology. On page 8, section 4, it says: "The President shall establish an aeronautical technology program which

shall"—paragraph 3—"promote to the maximum extent practicable the transfer and conversion to commercial applications of aeronautical technologies developed"—past tense—"for national security purposes." And on and on throughout the bill.

He talks about the \$70 million that we recommend. We go from this year at \$40 million. We got \$40 million. That is 1994. This is where we are. But here in his own backyard, the Advanced Systems Hardware Flash Program was just awarded to McDonnell Douglas in a bid. McDonnell Douglas Aerospace proposes \$42.9 million fly-by-night Advanced Systems Hardware Flash Program over 24 months to develop vital components critical to making fly-by-night and power-by-wire technologies viable for commercial and military aircraft.

Now, McDonnell Douglas, the Missouri employer, the largest out there, believes in publicly supported technology development programs, as do 2,800 other applicants on this particular score over there at the Department of Defense.

So here we have a program going that he does not want to double. We have \$40 million for all of these particular programs this year on extension, yet here is one little contract under that \$40 billion over there in DOD in his backyard for \$42.9 million. But now we are on the floor, and he dares to characterize S. 4 as a runaway program and a new venture and new philosophy. It is hard to treat this thing seriously, because we worked with the Senator for 3 years on the thing, and he has been recommending it. There it is recommended in the Republican task force conversion. Everybody knows what we are trying to do. We are trying to get more centers.

It has been announced by the administration that they are hoping to get 100 centers by the end of the century. Japan already has 170 of these centers. We are behind the curve playing catch-up ball. He acts like it is an extravagance when we take over in the management partnership of these defense programs. And then he comes around and talks about a new philosophy. This is new, he says, because we have some more money. I hope we will increase it. This is a pittance. You can compare this to the size of agriculture programs, and the distinguished Chair is familiar with that. They have an Agricultural Export Promotion Program of some \$900 million. Sunkist Lemon got a \$17.9 million program just to promote the sale of lemons. I tried my best to sustain the Tourism Program in America at \$17 million, and the country of Jamaica spends more on tourism promotion than that. Jamaica spends more than we do. But when we compare it to agricultural research, to NASA research, compare it to DOD research, and when we compare to NIH, National

Institutes of Health, biomedical research, we come back here and it just helps more business.

Heavens above, he says this is a new philosophy. But he recommended it himself, he himself voted for it.

He says he does not like the GATT treaty. I do not debate the GATT treaty here.

Heavens above, come, come now, let us move on with this program and not just take an amendment when the debate is ready, or completed. I am ready to move, obviously, and quickly to table the Danforth amendment, which is the pending question, because we have set aside the Cochran amendment, a matter to be worked out, as I understand it, from the Senator from Mississippi and the Senator from Ohio. If they can work that out, fine business.

But right now, these maneuvers threaten to just kill the bill. If there is further debate, fine business, but I am prepared to move to table. I do not want to be presumptuous here.

Mr. DANFORTH. Mr. President, just a few brief points. I just do not think that it is correct to say that this is just more of the same and that we voted on all this before, when the 1994 appropriations of \$526 million are ballooned into an authorization for \$1.370 billion in 1995 and \$1.478 billion in 1996.

There is nothing that any Senator has ever done that compels the Senator to feel that he or she must go along with this major advance in these programs. The so-called ATP program, taking it from \$199 million to \$575 million in a 2-year period of time is not just what we have always been for. Nobody that I know of has ever written a report or been on a commission or anything else that has said, well, let us take the Office of Under Secretary of Commerce and increase that by 133 percent over a 2-year period of time; or create an SBA pilot program venture capital scheme and go from nothing to \$50 million a year. We have not been voting for that or approving that. That is new. It is different. It is a change in policies.

Now with respect to Aerotech—I am repeating myself, but again to try to explain the idea. I think it was a mistake for our Government, then the Bush administration, to agree with the European Community to green light or accept certain development subsidies for aircraft. I believe that what has happened with Airbus is outlandish. Airbus should not even be in business. It has never made any money. It is kept alive by subsidies and because it has been kept alive by subsidies, Airbus now has a third of the commercial aircraft manufacturing business in the world.

So my view is that we should press countervailing duty cases under the trade laws against the Airbus subsidies, not permit them to continue to do this. That is my recommendation.

The Bush administration agreed to green light certain subsidies. My response to that was to introduce two bills. My chairman has seen fit to introduce only one of the two into the RECORD, but they were alternative proposals. One proposal, the one that I happened to prefer, was to proceed with the countervailing duty case against Airbus. The second was, if we were not going to do that, we were not going to have a countervailing duty case against Airbus, then if you are not going to enforce the subsidies code, you better join them or you are going to lose your whole industry.

That was the purpose of Aerotech. It was not that the Senator from Missouri had some great delight in launching into new ventures of industrial policy. It was that we have already agreed with an industrial policy performed by the Europeans, and we signed off on it in an agreement; and, if we are going to do that, we better join them or we are going to see the ruin of a major industry in the United States.

I feel the same, as a matter of fact, about Sematech. If other countries are using unfair trade in order to gain advantage over the United States, we have to act. But to respond to what I consider to be unfair trade practices is one thing. To launch out into a new subsidy program is quite another.

Am I concerned by the GATT agreement that has been negotiated? Yes, I am. The reason I am concerned is that I am concerned that Airbus is going to be replicated all over the world in industry after industry. What we have negotiated in the GATT agreement is accepting certain subsidies for research and development.

In research and development, especially significant is the development subsidy. The vice president of Boeing, who testified today, said there is no way that we could green light up to 50 percent of development subsidies in the aircraft industry without having a trade-distorting effect. We are inviting trade-distorting effects all over the world.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. DANFORTH. If we are going to do that, then I would say, Madam President, we do not have any option. Then the Senator from South Carolina is absolutely correct. If the trade laws are not going to amount to anything, if they are not going to be enforced, if countervailing duties are not going to be useful anymore, if the rest of the world is going to pick off industry after industry by subsidy and we have tied our hands and said that we can no longer proceed with countervailing duty cases because these subsidies have been green lighted, if that is the state of affairs, then either we are going to lose out one industry after another or we were going to get into the subsidy game big time. That is the problem with this trade agreement.

It may turn out to be the \$2.8 billion is a pittance. It may turn out that to keep up with the Joneses, we are going to have to do much more than this. But let us not be the leaders in this enterprise. Let us not be the world leaders in subsidies.

What was said by a memorandum of the Department of Commerce in connection with the trade negotiations is that, if we start green lighting development subsidies, the United States has committed itself to be a leader in subsidies and our Government pressed that change in the subsidies code in the GATT agreement. And if that stands, if the GATT agreement truly says that henceforth 75 percent of research and 50 percent of development subsidies by Government are permissible and that other countries cannot countervail against them and cannot defend themselves against them, then the only way we will be able to defend ourselves is to get into the subsidy business ourselves.

But we are taking the lead here. It was our Government that made the point in Geneva that we should green light subsidies, and it is our Congress that is now proceeding with S. 4 to provide the subsidies in order to get the job done. It is one thing to respond to unfair trade practices and to do the best you can to save your soul. It is quite another thing for the Government of the United States to be the leader in subsidies, to say it in our memoranda that, if we agree to green lighting, we have committed ourselves to be the leader in subsidies and then at the same time to proceed with S. 4, which is a major step forward in Government subsidies for research and development.

I think it is bad policy. I think it is bad policy. I am making a policy argument. I am not making an argument rooting through past statements that Senators have made, personal arguments about what someone did or voted for way back then. I am saying that as a matter of policy this is new and it is consistent with the position we took in the trade talks and it is consistent, absolutely consistent, with the Department of Commerce memorandum, and it is part and parcel of a new relationship between the Federal Government and industry. And it is going to happen worldwide.

I do not want us to do it blindly. I do not want us to do it with everybody saying, oh, well, you know, we have just done it incrementally, we have just done it step by step. We thought, well, S. 4 seemed reasonable. I mean, everybody is for science. That is reasonable. And trade agreements, everybody likes trade agreements. That seems reasonable. And then we wake up some morning and someone said, why did not anybody warn us that subsidies are coming out of our ears? I am here to warn us.

That is what I am trying to do. That is the point of this enterprise.

If we decide that we are going to get into the subsidies business in this big way, let us at least do it as a deliberative act. This is a deliberative body. Let us make it a deliberative act.

Yes, we have debated it. Yes, we decided to do it. Yes, we really want to green light subsidies on an international basis. Yes, we really want research and development spending by Government and industry to be the new order in international trade. Yes, we really want to create venture capital funds for the Government to spend on selected industries that somebody in Government picks out. Yes, we really want to expand the Hollings centers from \$30 million to \$100 million over 2 years, and on and on and on. Let us do that deliberately, not some passive, "Well, nobody ever talked about it," or "Nobody ever told us."

I just have one final point to make. The point is continually made, "Why, Japan does it. Japan does it. We have got to keep up with Japan."

Japan subsidizes, yes, and the Europeans subsidize. We are not Japan and we are not Europe. We are just not yet Japan.

This is a different place. We believe that Government and business are not the same. We believe that Government and business are not all wrapped up in each other. We believe that there is a little tension between Government and business. And some of us believe that the economy would be better if Government did not get so entangled in business. Now, we are saying, "Why, Government should get more entangled." Why? Because Japan does it. We are not Japan.

Mr. HOLLINGS addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, since the distinguished Senator from West Virginia wants to speak, I ask unanimous consent that we temporarily set aside the Cochran amendment so the Danforth amendment would be the subject.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from West Virginia.

AMENDMENT NO. 1482

Mr. ROCKEFELLER. I thank the Presiding Officer.

It is my general conclusion, having listened to this debate for the last several days, that the Senator from Missouri, in fact, does not like S. 4 and wants to defeat it and is going to more or less talk it to death point by point, section by section.

I note with interest that in 1967, there was a Federal loan guarantee and favorable antitrust review process which encouraged and arranged the marriage between McDonnell Douglas and Douglas Aircraft companies, which then became McDonnell Douglas, and which is a result of action that ap-

peared to be favorable to a very large company in Missouri.

The Senator has talked about GATT. GATT, of course, has absolutely nothing to do with S. 4. We also debated GATT, he and I, this morning in the Finance Committee. That was either a useful debate or it was not, but it has nothing to do with S. 4.

The Senator says that we want to copy Japan. I do not want to copy Japan. We are not like Japan.

What I believe we need to do is a better job than we are doing in creating high-wage, good jobs for the American people, which is what S. 4 is all about. And this is precisely why President Clinton has placed such high priority on the passage of this bill.

It is also my general conclusion that the Senator from Missouri, who is a very dear and close friend of mine, that he really is not open to any sort of arguments on this subject; that his mind is pretty much made up; that no matter how much we debate and talk, it will not make any difference—the debate from that side of the aisle reminds me of pushing the CD into the player and off it takes.

But I think and hope that there are other Senators and their staffs who are listening to this debate. I think this is one of the supremely important debates of this year, rivaling health care, which, for me, is a significant statement. I hope they will listen to this argument, on why S. 4 is important, why this bill is important, why everyone in this body ought to vote for this bill.

We can take its various sections and go at it however we want.

The United States, Madam President, has a very large investment problem. It is not a Japanese problem. It is not a French problem. It is not a Tunisian problem. It is a United States problem, and it has cost us dearly.

As a nation, we have systematically underinvested in areas that contribute to economic growth, job creation, and the standard of living of the people in my State of West Virginia and the rest of America. We systematically underinvest in maintaining our physical infrastructure, in educating our children, in training our workers, and in commercializing our technological discoveries.

S. 4, which is the bill before us—not GATT, but S. 4—is the centerpiece of the President's program on technology and on job creation. It focuses on specific elements of this problem we have had in not investing in our own country.

And that problem is called doing too little in keeping up with the Joneses or anybody else, but, most importantly, in failing to provide enough work for our own people; and doing too little to keep up with critical technologies.

The Department of Defense and the Department of Commerce have agreed on the idea that there are approxi-

mately 25 critical technologies, which nobody disputes. If we do not have them, we will not get into the 21st century competing with the rest of the world. And we are talking about laser optics, we are talking about ceramics, we are talking about semiconductors, and all kinds of other essential technologies. The point is there is no disagreement, under the Bush administration or under the Clinton administration, about what are our critical technologies. We have to have them. This bill is, in part, aimed at making sure we do as we approach the 21st century.

So we are doing too little to keep up in critical technologies. And there is nobody I think who will disagree that we are doing too little to keep up in commercializing the dividends of our very, very fine basic research programs. Through these programs, incredible ideas are born, but too often they are not turned into applied research, applied technology, and then become products that put our people to work. The most obvious example of this is what we allowed to happen with VCR's.

And all of these things contribute to the fact that our people, therefore, are not finding the work that they want and should have.

Madam President, technology matters. That is why S. 4 matters, because technology matters. It matters a lot.

Economic study after economic study has shown a strong relationship between technology progress and economic growth and between investment and productivity.

In the 20 years following World War II, the U.S. economy grew at an average annual rate of a little less than 4 percent. According to the 1994 economic report of the President, over 40 percent of economic growth over this period was due to advancement in technology. We discussed that a little bit this morning in the Finance Committee.

In the last 20 years, Madam President, U.S. economic growth has dropped to an annual rate of about 2.3 percent. Wage growth, productivity gains over this period have been anemic compared to previous experience with the gains made by other countries.

The principal reason for this disappointing performance was not the lack of will, not the lack of worker motivation or instinct. It was the result of a dramatic decline in technology progress on the part of our country for which we are responsible.

Now, why is it that we have failed to benefit fully from technology discoveries made in the United States? This is what S. 4, the bill before us, is about.

America is the world leader in discovering new technologies but, as the Presiding Officer knows perfectly well, we have done a very dreadful job in commercializing and adopting these

technologies so that they go out to the marketplace providing jobs for our people and exports to other countries.

The main reason for this dismal performance is that we underinvest in technology commercialization, product to market—basic research to applied research, applied research to product, product to market. That is called jobs.

And we underinvest in technology commercialization because intensifying competition has reduced the ability of U.S. firms to capture the full returns from their R&D investments. This is a fact of recent modern industrial life. Technology is expensive to discover but increasingly cheap to disseminate in a competitive global economy.

U.S. industry is slashing, and has been slashing, research and development investment, even though economic and social returns on that investment remain high. This is what S. 4 is about.

Let me cite some examples of this market failure, Madam President, if I might. Economist Edwin Mansfield at the University of Pennsylvania estimates that the U.S. industry has cut research and development by 15 percent since 1986.

This next one fascinates me and scares me. A recent survey by the Industrial Research Institute shows that the number of U.S. firms that plan to cut research and development spending in 1994 is three times greater than those firms that plan to increase research and development spending in their companies in this year of 1994.

IBM has cut its R&D funding from \$6 billion to about \$5 billion over the last 3 years and has reduced its work force by 125,000 employees, as we all know, since 1987.

Digital Equipment Corp. has announced its plans to reduce research and development spending in 1994 by 25 percent. Digital Equipment Corp., a huge company, I might note.

AT&T Bell Labs, once regarded as the best industrial research lab in the world, has not increased R&D funding in the past 3 years and has reduced its focus on long-term R&D in response to competition. In other words, it is like the emergency room at the hospital. The most important thing, it seems, is the first thing to get cut when you are under pressure. So you cut R&D because you cannot prove that you absolutely have to have it in order to develop new products. It is all very simple to me. If you do not do R&D, you are going to cease to invent things. If you cease to invent things at some time you are going to cease to make things, and when you cease to make things people do not have jobs.

Industry observers believe the Baby Bell's research and development consortium, which is called Bell Corps, may not exist—may not exist in 5 to 10 years, as competition in telecommunication markets increases.

Recent studies by a number of respected groups including the National Academy of Sciences, Office of Technology Assessment, Council on Competitiveness, document the technology investment problem in the United States and urge proactive steps by the Government to deal with this problem.

Madam President, I will never forget—and I do not have it with me so I cannot hold it up but I will have it printed in the RECORD later—a 1992 issue of Fortune magazine, which I think, was entitled "Wither America?" It asked the question essentially of "Where are we going?" It surveyed corporate America about what we have to do in our country to get our act together, because we were clearly falling behind economically back then.

It polled about 100 chief executives. It covered Bill Gates, Felix Rohatyn, the heads of huge companies, and the heads of small companies. It was clearly a representative group of industrialists. And it included President Bush.

Person after person after person made the same point—although it was not uniform because some people, perhaps like the Senator from Missouri, hate Government so much that they do not want anything to do with it even though it could help them. There are those people. We recognize that and accept that. But person after person in this issue of Fortune magazine, which is not exactly the Village Voice, were saying, "We need direction. We want to know where the Government wants to go. We do not want the Government to tell us how to run our businesses. But we need a sense that the Government recognizes we are struggling and that if it is appropriate, they would be there to help us." It was just one after another after another after another, and then they would say very strongly, "But we do not want them running our businesses." But it was a cry for help.

Then you flip back to the first page and there was President Bush. He said, basically, I see my job as President as getting out of the way altogether; business knows what to do and the further I stay away from all of this the better it is for everybody.

One can debate what was happening in 1992. But I think the American people came to the conclusion the American economy was not working, they got tired of foreign policy, they started caring about economic policy. Foreign policy becomes economic policy under President Clinton and S. 4 becomes very important. So I now come to the need for action.

There is a consensus that the United States has a technological investment problem. I hope I have made that clear. And that Government policies and programs should promote, where appropriate, technology investment. National economic performance and job creation will benefit from increasing the level and rate of technology com-

mercialization. The debate on S. 4 centers on what specific policies and programs will promote technology in the most effective, prudent and efficient way.

The opponents, of course, to S. 4, argue for tax incentives. "Put it all in the tax credits." I remember that, I would say to my distinguished senior colleague from the State of South Carolina. I think we had that in 1981, where the rule was:

Let us have personal tax cuts, let us have corporate tax cuts. What will happen is the corporation will take all that money and put it into new plant and equipment, which will create jobs. And then let us give tax cuts to the American people, particularly rich ones—believe me I know—and what will happen is people will take that money and they will put it in savings accounts so there will be more capital available for industry to expand.

Of course it did not work out that way. We started on a consumer binge the likes of which we had never seen before. Corporations took their tax breaks and took all that money and started buying up other companies and we got into the mergers and acquisition mania and the spiral of the 1980's, downward economically. That was very obvious to the American people and the people of my own State who did a lot of suffering.

So the opponents for S. 4 are for tax incentives, spending cuts, regulatory reform, and they say that is the way we boost the competitiveness of American business. We tried this approach during the previous three administrations. And it got us into trouble big time. We deferred investment. We accelerated consumption. We took on huge debt. We went into recession. Why should we go back to that failed agenda?

President Clinton's economic program is working. The economy is showing improvement. Why should we change the course? Why not accelerate the course?

My friend from Missouri made quite an interesting statement which happened to be entirely false. I refer to when he was talking about the venture capital part of this bill which I have worked on for the last 1½ years with LARRY PRESSLER and CONRAD BURNS, who are very supportive of this proposal. And the Senator said—I wrote his words down when he said it—that "the Government will make the decisions with this venture capital money." Wrong.

Yes, the Government will put in \$50 million and private corporations will put in \$50 million or put in whatever they want to invest. But it will be the private sector and the private sector alone that will make all the venture capital decisions. The Government will not make any of those decisions. That is clearly written in the bill. And to mislead our Members who are listening upstairs, or their staff members, in

such a way is wrong; false; and unhelpful.

The President considers technology the engine of economic growth. So do I. That does not make either he or I particularly brilliant. It just happens to be true. It is true. His technology program which S. 4 embodies—that is what we are here for—calls for Government to work with industry where appropriate to develop and commercialize the technologies of the future, technologies that will contribute to economic growth. The simple point is job creation and higher standards of living for all Americans.

The role of Government in this program is as a partner with industry where appropriate, as those executives called for in *Fortune* magazine—or a majority of them did. The idea is to promote commercialization of tomorrow's technologies that industry by itself cannot or will not be able to develop. The need is shown by the trends I just cited about the private sector pulling back on research and development.

The President's economic policy is to compete, not retreat. S. 4 is a vital part of that policy, and that is why S. 4 and this debate are so enormously important to our people and our future.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Madam President, I thank my chairman of the Technology Subcommittee who has guided this measure through over the past 3 years and is totally familiar with it. The distinguished Senator has been working on the health programs and several other things. He has been spread somewhat. I understand that. I understand his outstanding work on the Finance Committee. We are really lucky to have his leadership with us on the Committee of Commerce.

I have been able, since the distinguished Senator from Missouri came, to go to the record, and the reason we go to the record is the best way to prove that it is not new; that we have taken the distinguished Senator's own recommendation. He now says this is a new philosophy. How can it be new when his task force, after quite a study over months and months, reported in June 1992, almost 2 years ago, that:

The task force endorses two programs of the National Institute of Standards and Technology, NIST, as important to the effort to promote technology transfer to allow defense industries to convert to civilian activities. These programs are the Manufacturing Technology Program and the Advance Technology Program.

So he recommended it almost 2 years ago, and then he comes to the money. "Ballooned" is the word. The only thing that has ballooned is his mistakes, and he will have to agree because I am going to give him his figures. It is in the report, right here, and the report was almost a year ago, June 1993. On page 20, you will see for the

year 1995, the Senator supported an appropriation there for these amounts in the bill of \$1.513 billion in 1 year.

That \$1.513 billion was reduced. I knew it. The OMB had cut me back because we had to get with the modification that OMB approved. When we sent it back to OMB, they actually cut it. They said we are cutting back on all programs.

So while the distinguished Senator supported \$1.513 billion, that is actually \$143 million above what we have now for 1995 in this particular bill. If we voted it right in the next 10 minutes, it would be \$143 million below the 1995 level and \$35 million below 1996.

We never recommended for either of those years. The bill we had at that time was for 1994-95. So the relative figure, the one that we can compare is the one he supported for the one year, 1995, for the ensuing fiscal year, that is \$1.513 billion. How do you balloon that when you come now and put in the modification for 1995 at \$1.370 billion, or specifically when you have reduced it a couple hundred million?

Let us go to the ones he was talking about, the Hollings centers or extension centers. He approved then under that 1.5, he approved \$220 million. A moment ago he said, "Seventy plus 100, it's ballooned to 170," when the Senator himself—that is 2 years, '70 for 1995, 100 for 1996. He himself voted for 1995 \$220 million. Ballooning. There is a retraction. There is a reduction. There is no ballooning. We put this plan on a diet, and we cut it back. I do not like it. To tell you the truth, I wish we could have gotten the amounts we approved unanimously in the Committee of Commerce June a year ago, all Republicans and all Democrats.

And there that is, 1.5, but he is out here on the floor. When you talk about his own idea and philosophy, you show what his philosophy was. When he talks about the figures, he says "ballooned," and we got less than what he voted for, substantially less.

For 1995, this next year, we have in this bill \$1.370 billion, which is a \$143 million cut from what the Senator supported back in June when the bill was reported. There is the bill; there is the committee report. Those are the facts.

Now we are really getting jockeyed around here, as the saying goes, because we have an amendment and the amendment calls for an unconstitutional initiative. Being an expert member of the Committee on Finance, he knows that you cannot introduce a research and development tax credit in the Finance Committee. You have to wait on the House.

But it is totally unnecessary. We do not need an amendment on this bill for the Finance Committee to consider one. They can consider one, they can consider the amounts in this bill, the amounts in everybody's bill, the amounts in no bill. It is their total discretion.

That is a rather facetious amendment at best, and I am prepared, if we want to set a time—I discussed moving to table—if I do move, we might set a specific time, let us say at 7:10, so there would be notification. Excuse me, if one of the Senators wants to talk, we will make it a later time. I yield the floor at this time.

Mr. DANFORTH. If the chairman would like to set a time for a vote, that would certainly be very satisfactory to this Senator.

Mr. HOLLINGS. What is the disposition of the distinguished Senator from Pennsylvania? He is on the floor, and I do not want to cut him off if he wants to talk on the bill.

Mr. SPECTER. I thank my colleague from South Carolina. I would seek recognition for a few minutes, perhaps up to 10 minutes to speak on the amendment.

Mr. HOLLINGS. Very good. Would it be all right then we can agree to a time to vote at 7:10?

Mr. SPECTER. Madam President, that is agreeable to me.

Mr. HOLLINGS. Excuse me, we will yield to the Senator to have the floor in his own right.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I support the amendment made by the Senator from Missouri. It is an unusual amendment in that it seeks to stop appropriations and then calls for the Committee on Finance to consider using equivalent amounts of money to make permanent the research and development tax credit.

The essence of what the Senator from Missouri seeks to accomplish is to have the private sector make the determination as to what research and development there will be as opposed to having the Government make that determination. The Senator from Missouri seeks to have the private sector make that decision by holding out the inducement of a tax credit.

The Senator from Missouri has been a very distinguished advocate of the market as opposed to a governmental direction of the economy. I think that is a sound principle.

I note from the provisions of the report that there would be established under title XII a program to foster the development of advanced manufacturing technologies, and title III establishes a program for the support of large-scale research and development consortium.

The other provisions of the bill, without going into them in detail at the present time, provide for a governmental determination as to where this research and development would be directed, and the Senator from Missouri seeks to have it done in the private sector, which I think is a preferable approach.

The face of the amendment is curious, to say the least, in that it says,

"Notwithstanding any other provision in this act, the amounts authorized to be appropriated by this act shall not be appropriated but, rather, the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit."

This amendment does not negate the authorization of the bill but says only that the amounts authorized to be appropriated shall not be appropriated. There is nothing in this bill which contains an appropriation. That is to be done at a separate time by the Appropriations Committee. And the procedure is that wherever there is an authorization it is still a matter of discretion for the Appropriations Committee to make the appropriation or not as the Appropriations Committee sees fit, and then be acted on by the full Senate.

So I think that technically there could still be an appropriation. But the sense of this amendment really says that we ought not to appropriate, but that money ought to be handled by the Finance Committee with a permanent tax credit for research and development. I think that is the preferable way to go. It may be that this amendment realistically viewed as a sense-of-the-Senate resolution, that the preferable way is to have the tax credit and not have the thrust of this bill which is governmental determination of where the research and development should be undertaken.

Knowing the politics of the Senate and having seen amendments like this come and be voted upon, the probabilities are very high that when the Senator from South Carolina makes a tabling motion, that tabling motion is going to be adopted, pretty much on a party line vote. So that the likelihood is that this authorization is going to stand, and then we will see what happens through the appropriations process.

But I had discussed this amendment with the Senator from Missouri, and I did want to come to the floor for a few minutes, lend my support on the principal basis that it is preferable to have the private sector make the determination as the Senator from Missouri suggests through the tax credit from research and development.

I might take a moment or two now, Madam President, to commend the Senator from Missouri not only on this amendment, but for his general approach in the Senate on emphasizing the private sector and opposing subsidies and, more broadly, to state that Senator DANFORTH has had a truly distinguished career in the Senate. There is not a more able Senator than Senator DANFORTH, in my opinion.

I did not come here to praise Caesar, but I think it not an inappropriate time to make that comment. There will be ample opportunities later to

talk about Senator DANFORTH and other of our colleagues who will be departing at the close of this session.

When Senator DANFORTH talked to me about this yesterday, I asked him when the filing date was in Missouri, because there is still time for Senator DANFORTH to change his mind and stand for reelection this November. I have said this to Senator DANFORTH before privately. There is no reason to just speak to him privately or to compliment him behind his back. This body will sorely miss JACK DANFORTH for many, many reasons. He has been an extraordinarily thoughtful, constructive and productive Senator on many, many lines, on the Commerce Committee, where prior to the service of the distinguished Senator from South Carolina as chairman, Senator DANFORTH was chairman, and has worked on the Finance Committee.

There is only one matter that I can recollect where his judgment was not impeccable. That is when he opposed an amendment that I offered to have a private right of action to stop subsidies and dumping.

My State, Pennsylvania, was hit very hard more than a decade ago by subsidized and dumped goods coming into the United States. And when I came to the Senate, one of the first initiatives I had introduced was an amendment providing that injured parties could go into Federal court to seek injunctions or damages to stop goods coming into this country which are subsidized or dumped. At that time, England was subsidizing steel \$250 a ton. No matter how efficient the steel companies in western Pennsylvania were, they could not compete with the subsidy of \$250 a ton from England.

Then Japan subsidized steel, and coal was subsidized and glass products, textiles and goods were dumped in the United States, which means for a few people who may be watching on C-SPAN2, they are sold in the United States for lower cost than they are sold in their home market, which is unfair trade practice.

Free trade means the cost of production plus a reasonable profit, and the principles of free trade preclude dumping, which is selling in the United States, illustratively, cheaper than in the home market where the goods are manufactured. And free trade means no subsidies; cost of production plus a reasonable profit.

Aside from Senator DANFORTH's opposition to that amendment—well, I may have disagreed with him on some other amendments from time to time, but he has made an outstanding contribution to this body, and I wished to take just a minute or two to say that in commenting on what I think is philosophically correct.

I do not know whether Senator DANFORTH expects to be successful on this particular matter at this particular

time, but I think the odds are against him. But I think it will articulate a principle, and I expect Senator DANFORTH to get a very substantial vote, maybe largely along party lines, but it will be meritorious nonetheless. But I do believe that his approach on letting the market decide is the proper approach, and the essence of this amendment would achieve that worthwhile objective.

I thank the Chair and yield the floor. Mr. BAUCUS. Mr. President, I rise today in opposition to the amendment offered by my colleague from Missouri, Senator DANFORTH. As coauthor, with Senator DANFORTH, of S. 666, the Research and Development Enhancement Act of 1993, I am committed to the enactment of a permanent R&D tax credit with appropriate structural changes to address today's business environment.

However, I also strongly support the provisions of S. 4. Both the National Competitiveness Act and a permanent R&D tax credit are necessary pieces of legislation. S. 4 is particularly important to small companies. It will enable them to find the most advanced and commercially viable technologies. Technologies the perfection of which was probably bolstered by the availability of the R&D credit.

The permanent extension of the R&D credit, accompanied by technical changes in its application should be debated by the Finance Committee in consideration of a tax bill over which it has jurisdiction. It would be a disservice to the manufacturing industry in this country to prevent S. 4 from moving forward under the promise of some day enacting legislation involving the R&D tax credit.

The National Competitiveness Act extends some of our most successful Federal research and development efforts. It builds on the Advanced Technology Program, to work with companies developing the most promising new technologies and assist with basic research. It will help to build the information superhighway. And it will do this without adding a cent to the deficit.

I will continue to work with my colleague from Missouri to see to it that that R&D credit becomes a permanent fixture in the Internal Revenue Code. However, it does not make sense to rob Peter to pay Paul. It is for that reason that I urge my colleagues to defeat the amendment by Senator DANFORTH should it be voted on, and to move quickly to pass S. 4.

Mr. HOLLINGS. Madam President, it appears now that if we make that motion on tabling, we can set a time, and it has been cleared on both sides, for 7:20. Thereupon, the distinguished Senator from Mississippi has worked out his particular amendment, to be recognized, and then the distinguished Senator from West Virginia wanted to be heard.

So, Madam President, I move to table the Danforth amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I ask unanimous consent that the vote be set at 7:20 on the tabling motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

PESTICIDE SAFETY TRAINING AND LABELING REQUIREMENTS

Mr. COCHRAN. Madam President, I ask unanimous consent that it be in order for me to send a bill to the desk; that it be immediately considered; that it be read a third time and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1913) to extend certain compliance dates for pesticide safety training and labeling requirements.

Mr. LEAHY. Madam President, we have, in the end, decided to accept a bill which was offered as an amendment this morning. I do not think it will accomplish what some proponents hope it will do. I have consulted with the EPA, which advises me of the following.

First, paragraph (b)(1)(A) concerning enforcement of labeling requirements of 40 CFR part 156 states, in essence, that the requirements for registrants to amend their labels to add the worker protection requirements is not enforceable until January 1, 1995, except in certain unspecified States. However, many registrants have already submitted label revisions to EPA and are already using the amended label on their products. So, this requirement should have little, if any, effect. The requirement in paragraph (b)(1)(A) would have no effect on enforcement of the label itself and the requirements that appear on the label. It is not clear what it would mean for a State not to enforce the "labeling requirements" of part 156.

Second, subparagraph (1)(B) of paragraph (b) concerning equivalency is vague. First, it is not clear as to which States it applies to. The result could be confusion as to which requirements apply in which States. Second, it is not clear what it means for a State program to be "considered to meet the requirements of the worker protection standard."

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill (S. 1913) was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 1913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. COMPLIANCE DATES FOR PESTICIDE SAFETY REQUIREMENTS.

(a) WORKER PROTECTION STANDARDS.—

(1) IN GENERAL.—The compliance date for provisions of the worker protection standard set forth in part 170.5(c) of subchapter E of chapter I of title 40, Code of Federal Regulations, due to become effective on April 15, 1994, shall be January 1, 1995.

(2) PESTICIDE SAFETY TRAINING.—Not later than September 23, 1994, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall—

(A) develop and distribute pesticide safety training materials that convey, at a minimum, the information referred to in section 170.230(c)(4) of such title; and

(B) assist the appropriate Federal, State, and tribal agencies in implementing pesticide safety training programs required under section 170 of such title.

(b) LABELING REQUIREMENTS.—

(1) ENFORCEMENT.—

(A) IN GENERAL.—During the period ending on January 1, 1995, the labeling requirements for pesticides and devices set forth in subpart K of part 156 of subchapter E of chapter I of title 40, Code of Federal Regulations, due to become effective on April 21, 1994, may be enforced only—

(i) in a State that has established a worker protection program with respect to pesticides and devices as of the date of enactment of this Act; and

(ii) for the purpose of enforcing a State program referred to in clause (i).

(B) EQUIVALENCY.—During the period ending on January 1, 1995, each worker protection program referred to in subparagraph (A)(i) shall be considered to meet the requirements of the worker protection standard set forth in part 170 of such subchapter. After such date, the Administrator shall reassess whether the program meets the standard.

(2) NOTIFICATION OF PURCHASERS.—Beginning on April 22, 1994, each registrant of pesticides shall provide information for point-of-sale notification to inform purchasers of pesticides that the applicable compliance date for the labeling requirements referred to in paragraph (1)(A) is January 1, 1995.

(c) EXISTING AUTHORITY.—Notwithstanding the foregoing provisions, the existing authority of the Environmental Protection Agency to enforce existing label requirements shall not be affected.

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

Mr. COCHRAN. Madam President, I ask unanimous consent to withdraw amendment No. 1480 to the pending bill.

The PRESIDING OFFICER. Is there objection? Without objection, so ordered.

Mr. COCHRAN. Madam President, I thank the distinguished managers of the bill and specifically the distinguished Senators who cosponsored the amendment that dealt with the pesticide safety training and labeling requirements that was debated earlier

and was the subject of a vote on a motion to table earlier today.

The resolution of this issue is the passage of this bill which extends these compliance dates that were the subject of the debate, to January 1995. We appreciate very much the cooperation of all Senators and especially those who supported this initiative.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, obviously, I support my chairman from South Carolina and strongly oppose the Danforth amendment. I really feel very strongly about this, and I think the vote we are about to make is extremely important because it will be a vote on what I think is clearly a fundamental question on the future of America. I think the answer should lie in the fact that we need to both work to make the industrial R&D tax credit permanent, and do what is proposed in S. 4.

As for this amendment—and I want my colleagues to hear this—I think it should be entitled “let us give up amendment,” or more to the point, “let us go backward amendment.”

This amendment makes a very blunt recommendation. This amendment calls for shutting down Government's most effective, targeted, forward-looking programs that together have a very basic goal which, both sides of the aisle should share in common: that is to revitalize our Nation's technology base, to create jobs, and to do what is necessary to ensure the United States is the foremost manufacturing nation in the world. It is not a wildly bad thought.

The senior Senator from Missouri offered this amendment to turn the lights out on these programs. The Senator from South Carolina and I are very strongly against that. He then goes on to ask the Finance Committee to “consider using the equivalent amount to make permanent the research and development tax credit.” In response, the Finance Committee has been working very hard to do exactly that. I serve on the Finance Committee with the Senator from Missouri, and we both have been working very hard to make the R&D tax credit permanent. But in fact, President Clinton proposed just exactly that in his historic deficit reduction package, and economic plan that he submitted last year.

But as the Senator from Missouri might recall, the President did not get any help from the other side of the aisle. I am going to be fascinated by the number, and to see the number of Senators on the other side of the aisle who now hope to support the Senator from Missouri in terms of calling for the billions of dollars—at least \$1.6 billion a year—to make the research and

development tax credit permanent. Because they sure did not give us much help last year when they had an opportunity to turn their rhetoric into actual results.

This unwillingness to help us pass Federal budgets and deficit reduction plans makes it much harder to come up with the substantial amount of money needed to make this credit permanent. That is why we are only able to extend the credit to June 30, 1995.

One final word from me: Industrial policy is a phrase which is used, and thrown out. It is a little bit like the Harry and Louise advertisements on health care funded by the insurance industry. It attempts to press one of those hot buttons, so that as soon as people hear the word “industrial policy” they will stop thinking logically. They just simply say, “Gee. That must be bad, ‘industrial policy?’”

Therefore, when a Senator uses that phrase, a Senator carries a responsibility to really mean what he says or what she says. The myth is that the administration is creating a new industrial policy for the United States and that industry opposes it. This is the myth which has been put out before. The Senator from Missouri has used this 8, 10, 12 times tonight and presumably 8, 10, 12 times yesterday.

The reality is that the administration is building on a very strong, well-established American tradition of public-private partnerships to invest in American technological competitiveness, an effort that American industry supports. I will in a moment say who they are. They support Government having a legitimate role, a discreet, controlled role in supporting industry research and development efforts, a tradition that has helped U.S. business take the lead in such fields as aeronautics. I believe I used my example about McDonnell Douglas, and then there is pharmaceuticals, and the most obvious example of course, is agriculture.

Industry needs the programs of Senate bill 4 to create incentives for high-priority technology development activity that pose risk. That is why they need venture capital money.

Why do they need the venture capital money? Because if you were Thomas Edison, you would have to go in to a venture capital company or to a bank and take an entire bank of lights from Shea Stadium, all brightly shining, to prove that you had a bulb that worked. Venture capital has dried up in this country. Banks will not lend venture capital. They want to know that it works before they will put any money in. You have to make a strong case that it will work. In other words, it is basic American entrepreneurial instinct.

Industry strongly supports S. 4. They are correct. The Advanced Technology Coalition sent a letter to Senator ROB-

ERT DOLE signed by 32 professional organizations, all of them related to business. Take the American Electronics Association. They said:

We believe that our views have been heard by Congress, and reflected in this bill. S. 4 will promote American competitiveness and enhance the ability of the private sector to create jobs in this country.

American business supports S. 4. It is supported vehemently by the National Association of Manufacturers, the American Electronics Association, the National Society of Professional Engineers, Business Executives for National Security, the American Society of Engineering Studies, and I will not go on. It is a long, long list. American business wants this because they know that they cannot get the help now when they need it, and particularly on critical technologies.

Myth: The Government is picking winners and losers. This claim has no validity. It is wrong. It is empty. It is a specious argument and not worthy to be argued.

The reality was that the programs authorized by S. 4 are industry led, and industry funded; generic research and development industry to overcome basic technological problems; not funding competing commercial products. S. 4 contains no earmarks or special interest pork projects. All decisions are made by industry.

It is beyond me that the Senator from Missouri would be against this bill. I do not know why he is. I think he has read the bill. I think he knows the substance. But I appeal to my colleagues who care about the future of the American worker, who are worried about the future of American technology, who are proud that our economy is beginning to come back, but understand that our technological underpinnings are still very weak indeed. I appeal to them to table this amendment.

This is a very, very important vote, Madam President. This is a vote which will begin to show really where we stand on the future of America. Are we willing to stand up even to some of its more challenging aspects? Are we clear about technology? Are we clear where we are? Are we clear where our weaknesses are? Are we clear where solutions may lie? They lie in part in Senate bill 4. The bill should be passed, and therefore the amendment of the Senator from Missouri should be defeated by supporting the tabling motion of the chairman of the Commerce Committee.

I thank the Chair.

Mr. HOLLINGS. Madam President, I hope the appeal, the very, very effective appeal of my colleague from West Virginia, to vote to table is not a partisan vote.

For the first time I heard from the distinguished Senator from Pennsylvania who said he thought it perhaps

could be on a party line. Here is the amendment. The amendment says:

Notwithstanding any other provision in this act, the amounts authorized to be appropriated by this act shall not be appropriated.

I never heard of that. It will kill the bill. My friends who run this place are hardworking, and really professional. They smile too; " * * the amounts authorized to be appropriated * * shall not be appropriated."

But rather the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit, which is fine business with me. It cancels out any purity of stance, any integrity of antisubsidy position because you cannot be against subsidies while you are driving down these subsidies in the manner of research and development tax credits.

If that is not a subsidy, I do not know what is. So in one breath we are hearing there are all kinds of monkeyshines going on. They are talking about all of this very pontifical "I am against subsidies," but ending up by saying, "Please, by gosh, give us a subsidy." I would like to hope that I am in a position like that of Sherlock Holmes and the dog that did not bark.

We have the Republican Senator that did not put up a single amendment. We have been on this bill 3 days. We have had GATT agreement amendments, pesticide amendments, and we have had all kinds of funny amendments, like post office amendments. What were some of the other ones? I cannot remember. None of them had anything to do with the bill. Maybe that is the best compliment. The nearest to being factual, and yet mistakenly was not the fact, but let us say referring to the amendment as the distinguished Senator talked about ballooning the amounts, now that we have a balloon amount, and we got a diminished amount. That is a fact.

This bill is less than what the Senator supported for the year 1995 when we reported it out June of last year—\$143 million less. And the amount he supported for 1995 is the \$35 million that we project for 1996. So the 2-year projection under this particular bill, if adopted, is still less than what the distinguished Senator supported. He talks about balloon. I have heard—and I have been trying to get around in the back, but I cannot hold the floor and at the same time listen around. But a while ago, I heard: What is wrong, Senator, with your bill is that on our side of the aisle, we think it is a bill for Commerce Secretary Ron Brown to distribute moneys around and take the State of California politically.

I never heard of such nonsense. Let us go to the items. National Science Foundation. How in the world can you do that? Go to the extension programs and peer review, or go to the labora-

tory. Does anybody ever use the Bureau of Standards laboratory over there to win the California election or any election? All of these programs are itemized under here, and how they could get that description going and then have one of the distinguished Senators come and say "I guess we are going to vote on partisan basis," there is another debate going on in the back room totally unfounded and unfair.

I could go through the eloquent support we got from the Republican Senators and the very suggestions not on just both sides of the aisle but over on the House side, come through and worked through almost a perfect bill with everybody getting into it and having their say and including their provisions and everything else of that kind, doing exactly what the Senator and many Republican Senators said.

So I said just to Senator DANFORTH after all, in the task force study I put in there, I do not see the name of the Senator from Pennsylvania, but the Senator from Colorado, the Senator from Maine, the Senator from New Mexico, the Senator from Utah, Senator KASSEBAUM from Kansas, Senator LOTT from Mississippi, Senator LUGAR from Indiana, Senator MCCAIN from Arizona, Senator TED STEVENS from Alaska, Senator JOHN WARNER. These are the things they recommended almost 2 years ago. They said: Look here, let us get going and get this defense conversion. Now that we are getting the conversion—and I have listed the programs—yes, the moneys are over there to be administering them and still less before we got those conversion programs. When we voted that out, we did not have those conversion programs but, yes, now we do. But we have taken them and still cut the budget, as they say, less than what the Senator voted for. Yet, if he is in the confines of caucuses with colleagues talking about—and I do not attribute it to him. I do not know who said it, but I have had it reliably reported, because I have been talking around, that on the other side of the aisle there is some feeling about Secretary Brown of Commerce running around with a bunch of goodies and plums and pork barrel to deal out and take the California election.

I was astounded to hear that, because that is the one thing we have kept out of this bill and the administration of it. And in this whole program, you got no pork under Secretary Good, or Ms. Prabhakar, the Assistant Secretary in charge of this, who came over from the Department of Defense as an expert professional and testified in all these committees. In fact, my colleague, the senior Senator from New Mexico, commented on it. He had her visit the facilities at Sandia Laboratories, and otherwise, in New Mexico, and she had a wonderful understanding not only of the potential, but how we could merge these programs and commercialize our technology.

I have nothing but compliments. So you get all the compliments and votes and you get the report, and you come here, and after hearing about pesticides and treaties and post offices and all these other things, then you have your ranking member say "Notwithstanding any other provision in this act, the amounts authorized to be appropriated shall not be appropriated." In other words, this is a move to kill the bill or, otherwise, the Committee on Finance to get out a permanent R&D tax credit. And then he is saying there is a new philosophy here. We have to get rid of these subsidies, and if we cannot get rid of them, they have to get subsidies.

Obviously, that is what we have been doing. We have been subsidizing the aircraft industry. The distinguished Senator has supported that subsidy over the many years, coming out of the Department of Defense, over the many years that we have shown right in his own backyard where we had this year, right this minute, for the particular centers. I have the extension program. We had, in 1994, \$40 million, I think it was, and \$42 million just for McDonnell Douglas in a bid. These large companies are coming in proposing various research programs in the commercial area, both military and otherwise, and they are coming. Just a single program, where all our advanced technology, manufactured extension centers for all of industry, no one industry says come in just for me. That has to pertain, and that is why we have the National Academy of Engineering overseeing it, with peer review.

It has to benefit all industries. I set that up along as a guidance with the distinguished Senator from Missouri. I said, you are right, and he has been a leader against pork barrel, and let us have peer review.

So we went along and have defended it, and we have lost on it. I have described how my own textile industry tried to qualify under the Advanced Technology Program and could not. They went out to Livermore and did not have peer review there. Energy has money, oh boy, and if you want to find some things that are not peer reviewed, go on over there. I tried to impress on Commerce that this was a wonderful program for the industry countrywide, particularly in my State, but countrywide. But they said it does not stand muster.

Yet, at the same time, I am defending it over there at the appropriations level when colleagues came and said, "I want to write in my particular extension center." Every one of the seven we have are all peer reviewed, on a competitive basis, and reviewed annually to see that they are keeping up, and the additional seven are going to be the same way. You have to go through that entire Merit Testing Program. You take the suggestions. You take the support. You work for 3 years. And

then, could it really be serious to come forward and say that notwithstanding any other provision in the act, the amounts authorized to be appropriated shall not be appropriated? In other words, let us not have a bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, one question I think to ask as we prepare to vote on this amendment is why make the R&D credit permanent? Why is it important to do that?

The R&D credit had its origin in 1981, and ever since that time it has existed on a year-to-year or 2-to-3-year timeframe. We have never made it permanent, and the reason we have never made it permanent is that we have never had the money to make it permanent.

We have had a number of hearings in the Senate Finance Committee in which business people have come before us and they have said that the R&D credit is very, very helpful to research-oriented businesses, but they have said that it really should be a permanent credit. The reason it should be a permanent credit is that businesses that invest in research invest over long periods of time. They do not make decisions on 1- or 2- or 3-year timeframes. They make decisions on 8-year-or-more timeframes. So they think that it would be very helpful to make the R&D credit a permanent credit.

In addition to that, the various people in the Senate, on a bipartisan basis, have been working to improve the R&D credit so it would be more helpful to businesses that are research oriented.

So my hope would be that the Finance Committee would address the R&D credit and that it would make it permanent.

The reason it has not been made permanent in the past is that we have told ourselves we do not have the money to do it. We do not have the funds. So we keep it alive year to year.

The President has taken the position very publicly that he would like to see a permanent R&D credit, but in his budget he has not provided the funding to do that.

I do not know where the money is going to come from to make the R&D credit permanent unless we make it available. That is what I am suggesting: That we make the money available; that we provide a fund, in effect, by saying no, we are not going to create all of these new spending initiatives that are in this bill. But instead we are going to allocate this money, at least in the minds of the Senators who are here, to make the R&D credit permanent.

If we do not do it, if we do not do it on this bill, then when are we going to do it? Are we going to keep just promising ourselves year after year that someday we will have a permanent

R&D credit, but not now, because we do not have the funds now?

So really we are not just voting on a negative here. We are voting on a positive. How do we feel about the R&D credit and how do we feel about a permanent R&D credit? How do we feel about really committing ourselves to the R&D credit as the way of encouraging research and development in the private sector in this country?

Is the R&D credit the same kind of subsidy program that is contained in S. 4? The answer to that is no, and I would submit that the answer is no for two reasons. One is, in the mind at least of this Senator, there is a difference between a tax credit and a grant of money. People sometimes say, well, tax credits are tax expenditures; it should be treated just like an appropriation.

I do not think the reluctance of the Federal Government to squeeze every last penny out of every taxpayer is the same as the subsidy by the Federal Government. But more important, I think, for the purpose of this debate, has to do with the degree of heavy handedness, of manipulation on the part of the Federal Government in dealing with the private sector in R&D.

The R&D tax credit is the least directive way that we can encourage research and development because it is offered to all businesses that are involved in R&D. It is not something that picks winners and losers. The R&D tax credit is not designed, the mechanism does not exist for the purpose of selecting one industry versus another industry.

Therefore, it is unlike S. 4. It is unlike S. 4. It does not have the mechanisms for specific decisionmaking in picking the winners and picking the losers and engaging in the industrial policy that is in S. 4.

So I really think that there are two questions that are posed by this amendment.

The first question is, how do we feel about the R&D tax credit, and do we really want it to be permanent, or do we just say that in our speeches? Do we really want it to be permanent? Do we really want it to be effective?

And the second question is, how do we feel about the role of Government and the intrusiveness of Government and Government's manipulation of spending decisions and priorities that otherwise would be set in the marketplace?

It is the judgment of this Senator that the marketplace is a better mechanism for making economic decisions than the weight of the Federal dollar. I believe that the private sector can decide the new technologies better than we can in Washington, and that is the basic philosophical issue.

Is it a philosophical question? Yes, it is. It is a broad basic fundamental policy issue dealing with the role and the

scope of the Federal Government with respect to science, with respect to research, and with respect to the private sector.

This amendment does not amend the Internal Revenue Code, but it clearly sets out a commitment on the part of the Senate, and it is a commitment which I believe the U.S. Senate should make.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the R&D tax credit is not the subject of this bill at all. And if the Finance Committee reports it out, we will have a good debate and vote on it.

Talking about this particular bill, yes, the research here is for the advanced technology research, this peer review.

If you pass an R&D tax credit, I can have research to make better donuts, and development, and say, "Whoopee," and write it off on my taxes. And if the IRS comes along, they have a hard time because I had them in there trying to mix up that dough differently, and I had research, R&D tax credits, for any and everything.

Ours is particularly directed at advanced technology, and peer reviewed and merit tested on all the different programs. That is the big difference there. But that is not a red herring across the trail. He knows that. We cannot pass an R&D tax credit with an amendment. You cannot pass one if it was reported out of the Finance Committee. It would have to be initiated over on the House side, and then we can consider the House bill.

So we have an unconstitutional amendment that is totally unnecessary. They can go ahead and do all they want done except for the fact he said get rid of all the appropriations; whatever is authorized, do not ever appropriate it. That really guts the bill.

I cannot see it with the stands taken, and votes, and everything else. Something made him angry with the GATT agreement and negotiations, and he is using this bill to beat them up, to try to get their attention somehow. And that is not fair at all.

You just do not do all of this work and get all the parties together on a well-considered bill that has been endorsed by more industrial groups than I could ever possibly imagine, by more labor groups than you can ever possibly imagine, all the leadership in technology, all the leadership on the Republican side of the aisle, for the conversion of the defense funds. We read in their report where they support this program. They voted for it. This is a unanimous bill.

But now he says to forget about the bill because none of the funds authorized should be appropriated. You in good conscience just have to vote to table this amendment.

I so move to table, and I think the hour has arrived.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1482

The PRESIDING OFFICER. Under the previous order, the hour of 7:20 having arrived, the question is on agreeing to the motion to table the Danforth amendment numbered 1482.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—57

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Graham	Moseley-Braun
Boren	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Johnston	Reid
Burns	Kennedy	Riegle
Byrd	Kerrey	Robb
Campbell	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Shelby
Dorgan	Levin	Simon
Exon	Lieberman	Wellstone
Feingold	Mathews	Wofford

NAYS—41

Bennett	Faircloth	McConnell
Bond	Gorton	Murkowski
Brown	Gramm	Nickles
Chafee	Grassley	Packwood
Coats	Gregg	Pressler
Cochran	Hatch	Roth
Cohen	Hatfield	Simpson
Coverdell	Hutchison	Smith
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
Danforth	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Durenberger	McCain	

NOT VOTING—2

Dodd Helms

So the motion to lay on the table the amendment (No. 1482) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, shortly, Senator SIMPSON will seek recognition to offer an amendment. It is a substitute amendment, a major amendment, that includes 12 different provisions, each of which I believe in and of itself represents a bill that has previously been introduced. Since it will take some time to—and, if I might add, each of the bills cover the jurisdiction of several different committees. I do not know exactly how many, whether there are 12 committees involved, but there are several committees of jurisdiction.

Before we can reach an agreement with respect to the disposition of that amendment, the relevant committee chairmen will have to be notified to review the measure and make a determination as to whether they will oppose or support the particular provision and notify the manager, Senator HOLLINGS, of their decision in that regard.

It is not possible to proceed to completion of that measure this evening, and so what I have decided, following a discussion with Senator SIMPSON and Senator HOLLINGS, is that it would be best if I now announce that there will be no further rollcall votes this evening; that Senator SIMPSON be recognized to offer his amendment; that there then be as much debate as the principals choose on this amendment this evening, and then we return to the bill at 9 a.m. tomorrow, in an effort to proceed with respect to this amendment. Hopefully later this evening, although it is obviously late to do this, and early in the morning the relevant committee chairmen would be notified, would come over, and we can at least continue the debate in the morning and hopefully begin the process of determining how best to deal with the amendment. It is impossible at this time, given the comprehensive scope of the amendment and the number of different provisions, number of bills which are included in this measure, to reach an agreement on precisely how much time it will take and how to dispose of them.

Madam President, I will yield and invite Senator SIMPSON to correct me if I have misstated any aspect of his amendment or our discussion, and in any event to make any such comments as he may wish on the matter.

AMENDMENT NO. 1485

Mr. LIEBERMAN. Mr. President, the Senate today adopted the Nickles amendment by voice vote. I rise to express my concerns with the Nickles amendment as currently drafted.

The Nickles amendment would require all bills reported by a committee or considered on the floor to be accompanied by an economic and employment impact statement prepared by the Congressional Budget Office. The statement would contain: An estimate of the numbers of individuals and businesses who would be regulated; a determination of the economic impact on individuals, consumers, and businesses; an estimate of the costs incurred by the private sector in complying with the bill, including specific estimates on groups and classes of individuals—including small business and consumers—and specific estimates on the employment impacts on those individuals and businesses; estimates of the costs imposed on State and local government as required under section 403 of the Budget Act; a comparison of the costs imposed on State and local governments with the Federal funding provided. Executive branch agencies would be required to prepare a similar statement with similar contents.

With respect to its requirements for proposed legislation, there is much of Senator NICKLES' proposal with which I agree. His proposal to have the Congressional Budget Office prepare the basic estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, and a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected seems sound. Committees are already required to do this, and to the extent that CBO can give assistance in preparing these estimates, that would give them greater credibility. I also support requiring CBO to assess the impact on State and local governments, which CBO already does under section 403 of the Budget Act, and to have CBO compare these costs to the amount of Federal funding available to offset these costs. That is essentially what would be required by S. 563, which I have been pleased to cosponsor.

The provision calling for specific evaluation of cost in the private sector, however, is extremely one-sided. I have generally supported the use of sound cost and benefit evaluations to inform our judgments and the judgments of regulators. But this amendment does not even purport to incorporate cost-benefit analysis. It focuses solely on costs. Costs are important, but they do not tell the whole story. If we are going to direct CBO to perform a cost analysis, it should at least be required to perform a benefit analysis of proposed legislation as well.

With respect to using cost-benefit assessments in the rulemaking process, I prefer the direction taken by the President's Regulatory Management Executive Order 12866. That Executive order laid out in great detail the principles of

cost/benefit analysis to be used in rule-making activity. It mandates examination of costs and benefits, including qualitative assessments where appropriate, and it directs agencies to maximize net benefits. It directs agencies to impose the least burden on society consistent with meeting the regulatory objectives, and to take into account the cumulative burden on society. For any significant rulemaking—one with greater than \$100 million estimated annual impact—the cost benefit analysis must be submitted to the Office of Management and Budget Office of Information and Regulatory Affairs. These submissions become part of the record and must be disclosed to the public once the regulatory action is published in the Federal Register.

That Executive order was supported by NFIB, National Small Business United, U.S. Chamber of Commerce, Business Roundtable in addition to Public Citizen and the Sierra Club. It was formulated after forging a consensus among a variety of affected groups. It represents a sound balance of the policy issues in this area.

Mr. President, for these reasons, I have grave concerns regarding the soundness of the Nickles amendment. I have not taken the Senate's time today to air these concerns further because we need to complete work on this bill expeditiously. However, I reserve the right to examine these questions further at a later date.

S. 4, THE NATIONAL COMPETITIVENESS ACT

Mr. DODD. Mr. President, I rise in strong support of the pending measure and I urge its immediate adoption. I commend the chairman of the Commerce Committee, Senator HOLLINGS, for bringing this bill to the floor. This bill helps to implement one of the key pillars of the Clinton administration economic agenda: to promote growth, and create jobs, through investments in research and technology.

Mr. President, not too long ago we lived in a world of bipolar competition. For decades the United States and the Soviet Union squared off in a winner-take-all contest for military and diplomatic supremacy. Today the game has changed, and so have the players. Our chief competitors are no longer found in Russia, but in Europe, and Asia, and the Pacific rim. And the nature of the contest is no longer military, but economic.

In many areas, I would point out, we are doing very well in this competition. American companies and American technologies have met the challenges of the international community and they have met that challenge well. Today the United States is a recognized leader in industries such as computers, aerospace, biotechnology, and many others.

At the same time, however, there are ominous signs that the United States may be losing its edge. A 1991 report by

the Office of Technology Assessment noted that the U.S. share of world exports had fallen from 14 percent in 1970 to 10 percent 16 years later. Even more disturbing, the report noted that average weekly wages in manufacturing in the United States have fallen from more than \$380 in 1978 to roughly \$340 in 1990, in inflation-adjusted figures. Moreover, numerous reports from the Commerce Department and the Department of Defense over the past several years indicate that in several critical technologies, the United States is losing ground to either Europe or Japan.

The measure before us today represents the first step in finding a solution to this problem. If passed by this body and enacted into law, this bill would strengthen the cooperation between Government and industry in basic research and advanced manufacturing. It would do so by increasing the funding authorization levels for several Commerce Department programs that are playing a critical role in this effort.

One such program is the Advanced Technology Program, a program run by the National Institute of Standards and Technology [NIST] that provides matching grants to companies that pursue innovative research and development. This bill sets aside \$475 million for this program in 1995, more than twice the level for 1994. Another use of funds under this bill will be to expand the Manufacturing Technology Center program. Today in Japan there are nearly 200 Government-supported centers across the country, helping small- and medium-sized businesses gain access to the latest technologies. In the United States we currently have seven such centers. This bill will help us catch up.

The programs we are funding under this bill have already had an important effect on many businesses in my State. For example, a cooperative effort involving NIST and the Johnson Gage Co. of Bloomfield, CT, helped to develop a flexible computer-integrated workstation for manufacturing high-precision fasteners for U.S. submarines. Development of this workstation has helped to reduce the average production time per fastener from 1½ hours to 20 minutes, with a defect rate approaching zero.

Another cooperative effort led by NIST has involved two Connecticut companies—CADKEY, of Windsor, and CNC Software, of Tolland. These companies, working together with NIST, helped to develop a safe and aerodynamically superior helmet that was used by U.S. Olympic speed skiers. Many other Connecticut companies have participated in NIST-led research or have been the beneficiary of Commerce Department grants under the Advanced Technology Program.

Mr. President, in Connecticut and across the country we have been talking about the need to diversify our

economy—about reducing our dependence on defense expenditures and developing new technologies and new skills. The programs that we are authorizing today will help to do just that. I urge my colleagues to support this measure.

Mr. GLENN. Mr. President, I rise to oppose the amendment offered by my colleague from Oklahoma, Senator NICKLES. I oppose this legislation because in its efforts to estimate the economic and employment impacts of Federal legislation and regulations, it would unduly impede the legislative process and impose an ill-considered set of requirements on Federal agencies.

I believe that decisions about laws and regulations often have unintended or overlooked effects on the economy and employment. I also believe that Members of Congress, as well as agency rulemakers, need to more carefully consider the costs of policies and programs, not just the public purposes and benefits that they would hope to achieve. We do need to do a better job of balancing the costs and benefits of our decisions. On that point, I most certainly agree with the Senator from Oklahoma. My Committee on Governmental Affairs will be holding several hearings this year to discuss legislative solutions to the problems of regulatory and paperwork burdens on business, State and local governments, and the economy. This amendment should be debated then, along with related bills introduced by other Senators, and not be considered in such a hasty manner today.

As to the substance of the amendment—I do not believe that the solution the Senator from Oklahoma offers is the correct one, or even that it is workable.

First, the amendment creates a new layer in the legislative process. It would require CBO to establish and support a new review process—and with what appears to be no new resources. While I agree that committees could probably often do a better job of complying with Senate Rule 26, the answer is not simply to load another duty on CBO. And I must note that the amendment does not simply ask CBO to do what the committees do under rule 26. CBO would be required to do more. CBO would have to do detailed multiyear projections of costs imposed on "groups and classes of individuals and businesses." I frankly do not know how CBO can do a credible job of this, particularly in any timeframe relevant to the ongoing legislative process.

Even if CBO could somehow do this sort of analysis, the issue of the resources CBO would need is enough to oppose this amendment. The bill is silent on how much it would cost to properly implement. If every bill taken to the floor must undergo this CBO analysis to determine its cost impact as required by the Nickles amendment,

then surely it would make sense for CBO to look at the Nickles amendment so that it can do its own estimate on what the amendment will cost CBO and the taxpayers of this country. To the best of my knowledge, CBO hasn't even had the opportunity to comment on this amendment. A year ago when originally offered, this amendment tasked GAO with the duties that would now be assigned to CBO. At that time, GAO said "a very rough estimate of the resources involved would be that an organization of perhaps 200 people or more might be needed." Using GAO's projections, CBO would have to more than double its cost estimating staff to fully implement the Nickles amendment. Yet the amendment, provides CBO with no new resources to conduct these analyses.

I also see nothing to show how CBO's analysis would reasonably fit into the legislative process. It is one thing to require an analysis of bills coming out of committee. The amendment, however, also requires such analysis of any bill or resolution considered by either House of Congress. As my colleagues will recall, this element of the amendment was a major reason for its defeat nearly a year ago. This requirement will severely limit our ability to legislate.

If my colleagues want to impede the legislative process, this is the way to do it. If my colleagues want to create more gridlock, this is the way to do it. I, for one, will not. I will work to improve the quality of legislative analysis, but I will not be a party to a quick fix that will end up only slowing our decisionmaking to even a slower snail's pace. The solution, if one is needed, is to look to committees to more fully debate and investigate legislative proposals. The solution is not to regulate ourselves into gridlock.

Second, the amendment would also extend the model of Senate Rule 26 to the executive branch—the impact analysis requirements of the rule, plus additional cost estimate requirements. This make no sense to me at all. For the last 6 months, Federal agencies have been governed by a new regulatory review scheme. Executive Order 12866, issued in September of last year, replaced the regulatory review system of the last two administrations and was praised by virtually all groups, from the Sierra Club and Public Citizen to the U.S. Chamber of Commerce and the National Federation of Independent Business. With the addition of E.O. 12875, on improving the intergovernmental partnership, the Clinton administration has shown an impressive resolve to closely analyze the impact of proposed groups and all levels of government affected by Federal regulation.

For over 12 years, Congress has resisted putting regulatory review into statute. There have been times I have

thought it was needed, but now is certainly not the time to do it. To set the amendment's narrow rule 26 requirements into law sends a message to the executive branch and the American people. The message is that we are not serious about what we would require. We will not study the problem with the same care as did the administration and we will not carefully craft as comprehensive a solution. No, we will just slap on a set of Senate rules. That is not the way to legislate regulatory review. It does not create a balanced framework. It does not look at benefits as well as costs. It does not address benefits or costs that are indirect or hard to quantify. It does not address public accountability and sunshine. It does not ensure the faithful implementation of our laws.

If my colleague from Oklahoma wants to work on improving the administration's regulatory review Executive orders and wants to consider placing them in statute, I will work with him. As I mentioned, the Governmental Affairs Committee, which I chair, will soon have a second hearing on Federal mandates on States and local governments, and will thereafter have a hearing on regulatory burdens on business and the current state of Federal regulatory management. Such hearings would be the appropriate forum to consider these issues.

That would be the way we should consider this amendment. Moving it today, on the floor, is not the way to do it.

This amendment is being hastily considered and should be defeated.

I ask unanimous consent to include in the RECORD, following my remarks, a GAO statement and CBO letter regarding this issue.

STATEMENT BY THE GAO ON THE ECONOMIC AND EMPLOYMENT IMPACT ACT OF 1992

We have reviewed the draft bill entitled the "Economic and Employment Impact Act of 1992." We believe that for certain very significant pieces of legislation—namely those that are likely to (1) have large associated private sector costs or (2) influence job creation rates measurably, the impact studies envisioned, could be very appropriate. Nonetheless, we have several cautions which we would like to raise:

The application of this requirement to every bill, resolution or report by any committee would be extremely costly and time consuming, and could impede congressional business. A very rough estimate of the resources involved would be that an organization of perhaps 200 people or more might be needed. CBO now uses approximately 80 staff years to perform its costing responsibilities and related budget work. Though that task is difficult in itself, the estimates envisioned by this legislation are more complex and less amenable to the application of standardized methods.

Thus, given the state of the art in estimating the economic effects envisioned by this legislation, it could force the proliferation of the use of economic analysis techniques for which there is no strong professional acceptance.

Certain of the tasks envisioned such as state and local impact, and 5 year federal costs would duplicate work now being performed by the Congressional Budget Office.

Many pieces of legislation would require months of data collection and analysis to make the needed estimates, thus raising the very strong possibility that important legislation would be delayed. If applied to amendments offered to legislation being considered on the floor, this requirement would often be impossible to satisfy on a timely basis.

The impact on GAO's ability to meet its heavy congressional workload could also be severe, exacerbating an already significant shortfall in our ability to respond promptly to the many individual committee requests we receive each year.

Consequently, the need to make significant internal realignments, the complexity of the task envisioned, and the limited availability of GAO staff trained in economics and related fields would result in a very long learning curve for us, as we began recruiting, reassigning and training staff and otherwise building the data bases and other infrastructure necessary to perform the duties involved.

Overall, we believe that given the current state of the art in this form of economic analysis, and the already significant demands on our resources, that a case-by-case request for such analysis on significant legislation would be preferable to mandating such analysis on every committee action that met some predetermined threshold.

Alternatively, if legislation is deemed necessary, it might be written so as to encourage or require GAO (or another agency) to begin building the capacity to do such analysis at some point in the future. This would be more consistent with our view that there currently exists neither the technology nor an organization capable of supporting this legislative requirement at present. Another possibility would be to hold hearings on the feasibility of such legislation to improve economic impact information in the legislative process.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 29, 1993.

HON. JOHN GLENN,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for information relating to the work the Congressional Budget Office currently does with respect to estimating the costs of federal legislation, including the potential economic impact, and how this work would be affected if the proposed Amendment Number 325 were adopted as part of S. 171, the Department of the Environment Act of 1993.

As required by the Congressional Budget and Impoundment Control Act of 1974, CBO prepares five-year federal budget cost estimates for virtually every public bill reported by legislative committees in the House and the Senate. CBO also prepares numerous cost estimates at committee request for use in earlier stages of the legislative process. These cost estimates are usually transmitted to the committees responsible for the legislation by letter from the CBO Director, and are usually included in the committee reports accompanying legislative proposals. The number of cost estimates prepared each year varies, depending on the amount of legislation being considered and reported by legislative committees. Over the last ten years, for example, the number of bill cost

estimates has ranged from 600 to 855, with an average of about 700 per year.

A large part of CBO's bill costing work in some years has been for House and Senate committees receiving reconciliation instructions in the annual budget resolution. Our tracking system for bill cost estimates treats reconciliation proposals as a few large bills. As a result, the numbers given above significantly understate the true work load. In years when a major reconciliation bill is being considered, the work is equivalent to 100 or more individual bill cost estimates.

The CBO bill cost estimates have become an integral part of the legislative process. Committees refer to them increasingly at every stage of bill drafting, and they often have an impact on the final shape of legislation. They have this effect because they are used to determine whether the committees are in compliance with the annual budget resolutions and reconciliation instructions.

In addition to cost estimates for bills reported by legislative committees, CBO also provides the Appropriations Committees with estimates of outlays and other budgetary effects for all appropriations bills. These estimates are prepared for each appropriation account and are transmitted to the staffs of the committees largely in the form of computer tabulations. CBO's estimates may be critical in determining whether or not the appropriations legislation complies with the annual budget resolution and with statutory limits on discretionary appropriations.

The State and Local Government Cost Estimate Act of 1981 temporarily expanded CBO's responsibilities for bill costing by requiring that estimates be prepared for the cost that state and local governments would incur as the result of proposed federal legislation. The Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 made this requirement permanent.

CBO reviews as many bills as possible to identify their potential impact on state and local governments, although the requirement for state and local cost estimates is only for bills that are likely to result in a total annual cost to state and local governments of \$200 million or more, or are likely to have exceptional fiscal consequences for a geographic region or a particular level of government. Since each bill must be examined to determine whether there is a significant cost to state and local governments, we routinely include our cost assessment in our letters to committees about the federal cost estimates for proposed legislation.

Over the past ten years, we have prepared an average of more than 600 state and local cost assessments each year. Most of these assessments show no cost to state and local governments; only a small number each year show costs that exceed the \$200 million threshold (less than 5 percent). About 10 percent of our state and local cost assessments show some cost below the \$200 million threshold.

Unlike our estimates of the cost impact of proposed legislation on the federal budget, our estimates of state and local costs have little or no impact on legislative outcomes. With few exceptions, Congressional debates on proposed legislation have not focused on CBO's state and local cost estimates, possibly because these estimates are only informational and do not represent any binding constraint on the federal budget.

Many legislative proposals have potential effects for prices, employment, incomes, and other macroeconomic variables. If these proposals are part of a deficit reduction effort,

such as a reconciliation bill, they could have negative indirect effects on other categories of federal revenues or outlays. For example, tax revenues could fall with changes in corporate or personal incomes, and outlays for unemployment compensation could rise as economic adjustments occur.

Indirect economic effects and their budget implications are difficult to measure; economists often disagree on their size or duration, and sometimes even on their direction. As a practice, CBO believes that factoring secondary effects into cost estimates would not increase the reliability of the final estimate, despite the appearance of increased precision. For purposes of reporting the costs of legislation to the Congress, CBO's long-standing practice is to restrict the estimates to the most direct budgetary effects.

Nevertheless, CBO has done a number of analyses of the potential economic impact of proposed legislation on business and consumers in recent years, such as the possible employment effects of changes in the minimum wage, the economic consequences of reduced defense spending, and the effects of proposed royalties and fees on the mining industry.

The process of estimating economic impacts, however, is inherently difficult. Any analysis of legislation that would result in new regulatory requirements, for example, can be extremely uncertain and controversial and may depend critically on how the new regulations would be administered. Often, the latter consideration is unpredictable. In general, such analyses are necessarily less precise than estimates of the federal budget impact, or even than estimates of state and local budget impacts. For example, the Federal Deposit Insurance Corporation Improvement Act of 1991 made significant changes to federal regulation of banks. Some have blamed that law for perceived shortages of business credit in 1992 and 1993. The validity of those misgivings will not be known for a long time, if ever, and it is highly unlikely that CBO, or any other group of analysts, would have been able to produce credible estimates of such impacts when the Congress was considering the bill.

To prepare economic impact assessments for all legislative proposals would be a costly undertaking, both in terms of the staff resources needed to prepare the analyses and in terms of time requirements. In addition, data could be costly to obtain and verify. Many assessments could result in producing flawed information that could be misleading.

Furthermore, a requirement to prepare economic impact assessments for bills reported from any committee could delay the legislative process significantly. Combining this requirement with the tight, unpredictable schedules that committees often must follow would create conflicting priorities for legislative action. Based on our cost estimating experience, it is hard to be confident that committees would have the flexibility or patience to consistently tolerate the time required for good economic impact analyses.

The amendment proposed to S. 171 would require the General Accounting Office to prepare economic and employment impact statements for each bill, resolution, or conference report reported by any committee of the House or Senate, including the Appropriations Committees. These impact statements would include the estimated impacts not only for consumers and businesses, but also the fiscal impacts for affected state and local governments and the revenue and outlay effects for the federal government.

These analytical requirements would duplicate the bill costing work of the Congress-

sional Budget Office, both for federal cost impacts and for state and local government cost estimates. If enacted, the Congress would be receiving cost estimates from two different legislative support agencies. The result would be confusion for committees and for Members of Congress. The CBO federal cost estimates would be controlling for budget resolutions and reconciliation instructions, but the GAO could easily produce different estimates for the same proposals. Committees and Members naturally would want to know why there were differences, and additional time would be required to sort out the reasons for any differences.

Cost estimates and economic impact analyses depend on specific economic assumptions. The budget process gives the Congress the opportunity to review these assumptions during the consideration of the annual budget resolution. With the adoption of the resolution, the Congress ratifies the economic baseline for cost estimates and economic impact assessments. There is no requirement in the proposed amendment for the General Accounting Office to use the same set of economic assumptions as used by CBO. The amendment would require GAO to duplicate the bill costing work of the CBO without giving the Congress the opportunity to review the economic basis for these estimates. Even if GAO and CBO used the same economic assumptions, estimating differences are sure to result because analysts in the two agencies probably would not make the same programmatic assumptions or use the same estimating models.

As written, the proposed amendment could mandate a great deal of work by the General Accounting Office that might not meet the needs or expectations of committees and Members of Congress. It would require additional resources during a time when Legislative Branch funding is under heavy constraints. An alternative approach would be for CBO to work with the Budget Committees and the bipartisan leadership to produce an agenda each year for CBO to follow in making estimates of economic impact, with periodic updates as necessary. In this way, CBO could concentrate its limited resources on a few critical bills for which economic analyses might produce good quality information for the Congress. This approach would avoid duplication of effort and confusion, provide the Congress with useful information, and require limited additional resources.

I hope that this information is useful. I would be happy to discuss further this matter with you or with your staff.

Sincerely,

ROBERT D. REISCHAUER,
Director.

Mr. SIMPSON addressed the Chair.
The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. The majority leader, as he does well, has expressed where we are at this point. I do not want to intrude on the patience of the managers. I said I would place this amendment before the body. It is a compilation of various measures, as the Senator has expressed, some one or two of which in its fluid state have been taken care of today.

So that is the reason my attempt was to hold it open, not to slide in on the leader or the body. I can assure you of that, but to accommodate—and this has an array of bipartisan measures in

it—members of both parties, both sides of the aisle.

However, it is important for our consideration that we close this issue as to what can be introduced. So I would like to introduce the amendment. That will be then part of the RECORD, and then the procedure can go forward as the Senator suggests. And then tomorrow I will be here at 9 o'clock. If it would be possible for me at least not to go forward with the debate of the issue after introduction, then I will be here at whatever hour the majority leader will set and then immediately take approximately 20 minutes.

There are other cosponsors who would not require a great amount of time, and we can go right to this measure. I will assure you that we will conclude. I have a list of the people who wish to speak, and they are 4 minutes or 3 minutes or 5 minutes. So it should not be a long period of time.

I think that this amendment would be concluded tomorrow. I do not know the other amendments from our side of the aisle on the bill itself but perhaps some of it will be conditioned upon this amendment and its success or failure.

Mr. MITCHELL. Madam President, I thank my colleague for his comments. This is an important amendment. As both Senator SIMPSON and I have said, it is a compilation of several bills that are included in the single amendment. So I think it does warrant debate and an opportunity for Senators who have not yet seen it to review it.

My hope is that we can complete action on this amendment within a reasonable time tomorrow and complete action on the bill. I merely want to say for my colleague's benefit that we made good progress today, disposed of several amendments, and our hope is we can finish the bill tomorrow. If not, Senators should be prepared for a very late evening tomorrow on the bill as we attempt to proceed to complete action on the bill.

I would like to inquire of the manager if the procedure we have described is agreeable to him.

Mr. HOLLINGS. The procedure, I say to the majority leader and to the distinguished Senator from Wyoming, is very agreeable in that I have no alternative. Referring just at a glance, like Senator DOLE's private property rights amendment does not belong on a technology bill; reform of Davis-Bacon does not belong on the technology bill; regulatory relief for bankers; paperwork reduction; rural community bank; you go right on down; the matter of OSHA. You see there are no amendments to my bill. When you say it is agreeable, I do not agree to the amendment. It is quite obvious. I just want to make that clear. It is important in not being germane.

I guess we will have to vote, and maybe some Senators in different committees want to sever out sections of

this or put in amendments. This is mischief when you try to catch dogs and lump them altogether. I have seen just one amendment come here, and we worked. We really have to get these compromises. True it is, we accepted one. We compromised another one. But that still leaves the 12, 10 important items not germane and belonging to the other committees.

So while the procedure is very agreeable, and I think that is the only sensible thing we can do at this particular moment, I am always glad to work with the Senator from Wyoming.

(Mr. GRAHAM assumed the chair.)

Mr. MITCHELL. Mr. President, in that event, I think it is best to let the Senator from Wyoming proceed, as we suggested, and introduce his amendment, and say as much or as little as he wants. I do not know what anybody wants to say, but we will stay as long as any Senator wants to continue to debate and then come back in, and get back on this at 9 o'clock in the morning.

Mr. SIMPSON. Yes.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 1486

(Purpose: To promote industrial competitiveness and economic growth in the United States by providing for Federal regulatory reform, and for other purposes)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. NICKLES, Mr. DOLE, Mr. COCHRAN, Mr. GRAMM, Mr. THURMOND, Mr. DURENBERGER, Mr. KEMPTHORNE, Mr. WALLOP, Mr. COVERDELL, Mr. MURKOWSKI, Mr. MACK, Mr. PRESSLER, Mr. LOTT, Mr. SMITH, Mrs. HUTCHISON, Mr. HELMS, Mr. CRAIG, Mr. COATS, Mr. GORTON, and Mr. WARNER proposes an amendment numbered 1486.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment appears in today's RECORD under "Amendments Submitted.")

Mr. SIMPSON. Mr. President, after this introduction, this will be presented to our colleagues.

I would just add that I understand fully the trials of a floor manager in this arena. And the patience of the Senator from South Carolina is great.

But the purpose of the amendment is to deal with what we see as real competitiveness. If you want to have competitiveness in the country, each and every segment of this amendment is a compilation of what Democrats and Republicans on this issue have said in the past. Some of these have been shot out of the sky like clay pigeons at the fair.

So they are all presented. They are cosponsored in more than several instances by Democrats and Republicans. But they all have to do with competitiveness. We are talking about competitiveness. Each and every one of them have to do with something which would relieve the burden of regulation in America which should improve competitiveness, enhance our competitiveness by seeking to reduce Government intervention, and that is the purpose of the amendment.

I can go into it, and will in greater detail. I assure you that I will work with the floor managers to process it as swiftly as possible tomorrow. I will assist with the time, and those on our side of the aisle to come forward and briefly speak in the debate on this amendment.

I reserve my full statement until the morning hour.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator for his cooperation for the presentation of the amendment because it will help us to move along. You can see the practical difficulties now that I have as manager of the bill. It is not any political difference between the distinguished Senator from Wyoming and myself. But when I see 40 Senators vote to gut the bill, then I know we are in some trouble because they are not treating the bill seriously, I take it. It has been treated seriously, reported, unanimously approved, ready for a markup, conference report from the House and Senate, back again, unanimously reported out.

So I know the history of the underlying bill on technology, competitiveness, the commercialization, the National Science Foundation, the information superhighway. Then I see, well, 40 Senators are ready to vote en bloc. I am sure the distinguished leader on the other side of the aisle could carry that block, if anyone can. And then I see some amendments on here that have nothing to do with respect to this particular technology bill.

When I see there are colleagues on this side of the aisle who would not want to be voting against their own bill, I do not know what the Mack-Shelby Banking Regulatory Relief Act is, or the Wallop-Boren Rural Community Act is. But I see those Members on my side, and I say, wait a minute. You can get as popular as the Senator from Wyoming is. He has 40-some in his whole side moving with him. And then he has some of the amendments from our side. This thing is going to pass. I am saying, all right, let us say it is going to pass. And I am over in conference, and I am with all kinds of committees over there. It just really frustrates the orderly procedure of legislating on a very, very important subject.

I know the illusion. You can call anything "competitiveness." I guess the

Senator from Wyoming and I are competitive standing here. He is ready to go to the Chinese Embassy, and I am ready for him to go.

I look forward to seeing him at 9 o'clock in the morning. I just wanted him to know some of my immediate reaction having been working on this bill for 3 days.

Mr. SIMPSON. Mr. President, where else would the Senator tell me to go? No.

I could go there. But no. I shall not. But I do not have 40 votes in my pocket on this one.

Mr. HOLLINGS. I thank the Senator. I feel better. I can sleep a little bit better.

Mr. SIMPSON. I say to the Senator from South Carolina that I do not. But anyway, there is time to deal with it. I appreciate his usual courtesies to me. He has been a good counsel since I came here.

Mr. HOLLINGS. I thank him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING CLINTON ADMINISTRATION REEMPLOYMENT PROGRAM

Mr. PELL. Mr. President, earlier today, I was pleased to join several of my colleagues and President Clinton at the White House to announce legislation to establish a comprehensive system of reemployment services, job training, and income support for permanently laid-off workers. I am also pleased to be one of the original co-sponsors of the Senate version of the President's plan.

As both the President and Secretary Reich have said many times, the Nation must prepare itself for a new, high technology, globally competitive, peacetime economy. However, high technology jobs without high technology employees are of no value. It is for that reason that we must begin to recast the American work force for the jobs of the 21st century. The industries and the skills that have gotten us to our place of prominence in the world today are not the industries and the skills that will keep us at the head of the parade.

For many years, I have had a particular interest in the issues of job retraining and defense conversion. My home State of Rhode Island has suffered from high unemployment for several years now. And it is not coincidental that the Electric Boat division of General Dynamics, one of two manufacturers of nuclear submarines in the country and once the largest private sector employer in Rhode Island, has laid off thousands of Rhode Islanders and has plans, within the next few years, to reduce its work force to a mere 1,000.

The workers who have lost their jobs at Electric Boat are, without a doubt, very highly skilled workers. Unfortunately, the skills needed to build the best nuclear submarines in the world are not transferable to other professions. In an effort to support their families, these Rhode Islanders have been forced to search for low-wage/low-skill jobs.

The submarine workers in North Kingstown, RI, are not alone. Workers around the Nation are faced with similar problems—well trained in skills that are no longer needed. The legislation the President announced today will establish an organized network to evaluate the needs of workers, provide a wide range of job counseling, and when needed, referral to a wide range of retraining programs complete with income support during the period of retraining.

Mr. President, I look forward to working with the President as he continues to restore our economy and move it forward.

TRIBUTE TO SYLVIA HASSENFELD

Mr. PELL. Mr. President, during my tenure in the Senate, I, like many of my colleagues, have stood before this body on many occasions to pay tribute to individuals who, for some reason or another, deserve special commendation for their efforts. The common thread has been that the individual in question has performed some service, undertaken some act of heroism or devotion, or received an award or special recognition for excellence or achievement. In short, there is always something extraordinary about the individual involved.

In some cases, I have known the individual well, and in cases, not so well. After 33 years in the Senate, I confess that at times I find it difficult to find the right words to ensure that the individual receives the tribute they deserve.

But sometimes, Mr. President, there is that rare occasion when the individual in question is a true friend of such quality, that the pleasure of paying tribute assumes a special meaning. It makes my work easier, and I can speak from the heart. Today, Mr. President, is such an occasion.

I am speaking of Mrs. Sylvia Hassenfeld, chairman of the board of the American Jewish Joint Distribution Committee [JDC], who, I am delighted to say, has been chosen receive the prestigious Emma Lazarus Statue of Liberty Award.

Sylvia Hassenfeld is one of the most prominent and effective members of the American Jewish community. Although Sylvia Hassenfeld resides in Palm Beach, FL, the Hassenfeld family name is well known in my State of Rhode Island, where the renowned Hasbro industry makes its home.

Mrs. Hassenfeld served as president of the JDC prior to assuming her current position as chairman. She also serves as a member of the Jewish Agency's board of governors, as national vice chairman of the United Jewish Appeal [UJA]. Aside from her work for the Jewish community, Mrs. Hassenfeld is also noted for her voluntary and philanthropic activities, including her efforts as a trustee of the Hasbro Children's Foundation, as a member of the New York University Medical Center Board of Trustees, as a board member of Johns Hopkins University's School of Advanced International Studies, and as a board member of the Jerusalem Foundation. She is also a Presidential appointee to the U.S. Holocaust Memorial Council.

Mrs. Hassenfeld's unstinting efforts on behalf of the global Jewish community, and on behalf of humankind in general, have earned her the honor of the Emma Lazarus Award. The award is presented by the American Jewish Historical Society, the veritable guardian of American Jewish heritage and culture.

Emma Lazarus, of course, was the esteemed poet who penned the lines that have shone as a beacon to generations of immigrants to the United States, "Give me your tired, your poor, your huddled masses yearning to be free." The award that bears her name is bestowed upon Americans who, according to the American Jewish Historical Society, have "played a major role in improving the human condition." Past recipients include Edgar Miles Bronfman, Dr. Armand Hammer, and Dr. Abram L. Sachar.

The addition of Sylvia Hassenfeld's name to this list of distinguished recipients will preserve the integrity and reinforce the prestige of the Emma Lazarus Award. Just as the words of Emma Lazarus inspired hope and courage in America's immigrants, the work of Sylvia Hassenfeld has inspired pride and appreciation in all who know her. I can think of no one better qualified or more deserving of this recognition than Sylvia Hassenfeld, and in all sincerity, I am honored to pay her tribute.

PRESTON HOPSON III—AAU/MARS MILKY WAY HIGH SCHOOL ALL-AMERICAN AWARD

Mr. RIEGLE. Mr. President, I rise to honor Preston Hopson III, a high school senior attending City High School in Grand Rapids, MI. Out of a nationwide pool of 10,000 high school students, Preston was recently selected as one of eight regional recipients of the Amateur Athletic Union/Mars Milky Way High School All-American Award. This prestigious award honors young men and women for their outstanding academic, athletic, and community service achievements.

Throughout his high school years, Preston has truly excelled in each of these areas. What defines Preston's exceptional character more than anything else, however, is his involvement in school and community affairs. Preston serves as president of the Student Council and is the yearbook editor, while also being a member of the debate team, school newspaper, drama club, forensics team, and Close-Up. Outside of school, Preston dedicates his time to volunteering at the Sheldon Complex in Grand Rapids, tutoring local junior high students, and serving on the city of Grand Rapids' Community Relations Committee.

Preston's many accomplishments and fine character quickly became evident to my staff when he served as a student intern in my western Michigan office last spring. Preston consistently demonstrated his maturity, dependability, and high quality of work while serving constituents in my office.

The entire Grand Rapids Public School system can take great pride in Preston's accomplishments and recognition by the Amateur Athletic Union and Mars Milky Way. I ask my colleagues in the U.S. Senate to join Preston's parents, friends, teachers, and entire student body in congratulating him.

TRIBUTE TO HARRY FOSTER, HONOREE DISTINGUISHED SERVICE TO AGRICULTURE AWARD

Mr. RIEGLE. Mr. President, I rise today, to pay tribute to a distinguished individual from Michigan, who is being recognized for a lifetime of proud dedication to agriculture in my home State. Harry Foster, the executive director of both the Michigan Asparagus and Michigan Plum Advisory Boards, is being honored with a Distinguished Service to Agriculture Award at Michigan State University on March 10, 1994.

Over the years, I have had the pleasure of working with Harry on a number of issues, and was extremely pleased to learn that he is receiving this award. In all my years of public service, I have met few who have been as deserving of recognition as Harry. He has represented agriculture interests to the best of his ability, working closely

with all parties from farmers to elected officials, and I know that he will continue to do so.

From his 27 years with the Michigan Agriculture Cooperative Marketing Association of the Michigan Farm Bureau, to his current position as the executive director of the Michigan Asparagus and Michigan Plum Advisory Boards, Harry has taken advantage of every opportunity to benefit agriculture in Michigan. He has been instrumental in the creation and passage of many State and Federal legislative initiatives, and has been a leader in securing essential funding for commodity research.

Harry's achievements show him to be a leader not only in agriculture, but also in the community. He has served his community in many different respects, holding offices and volunteering his time, further exemplifying his noble commitments and positive influence upon the lives of others.

Harry Foster is a dedicated and accomplished individual, and it is my honor to ask my colleagues to join in congratulating him, and recognizing his contributions to the agriculture community and to Michigan.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting treaties, and sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE EUROPEAN ATOMIC ENERGY COMMUNITY—MESSAGE FROM THE PRESIDENT—PM 97

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

The United States has been engaged in nuclear cooperation with the European Community (now European Union) for many years. This cooperation was initiated under agreements that were concluded over three decades ago between the United States and the European Atomic Energy Community (EURATOM) and that extend until December 31, 1995. Since the inception of this cooperation, EURATOM has ad-

hered to all its obligations under those agreements.

The Nuclear Non-Proliferation Act of 1978 amended the Atomic Energy Act of 1954 to establish new nuclear export criteria, including a requirement that the United States have a right to consent to the reprocessing of fuel exported from the United States. Our present agreements for cooperation with EURATOM do not contain such a right. To avoid disrupting cooperation with EURATOM, a proviso was included in the law to enable continued cooperation until March 10, 1980, if EURATOM agreed to negotiations concerning our cooperation agreements. EURATOM agreed in 1978 to such negotiations.

The law also provides that nuclear cooperation with EURATOM can be extended on an annual basis after March 10, 1980, upon determination by the President that failure to cooperate would be seriously prejudicial to the achievement of U.S. nonproliferation objectives or otherwise jeopardize the common defense and security, and after notification to the Congress. President Carter made such a determination 14 years ago and signed Executive Order No. 12193, permitting nuclear cooperation with EURATOM to continue until March 10, 1981. President Reagan made such determinations in 1981, 1982, 1983, 1984, 1985, 1986, 1987, and 1988, and signed Executive Orders Nos. 12295, 12351, 12409, 12463, 12506, 12554, 12587, and 12629 permitting nuclear cooperation to continue through March 10, 1989. President Bush made such determinations in 1989, 1990, 1991, and 1992, and signed Executive Orders Nos. 12670, 12706, 12753, and 12791 permitting nuclear cooperation to continue through March 10, 1993. Last year I signed Executive Order No. 12840 to extend cooperation for an additional year, until March 10, 1994.

In addition to numerous informal contacts, the United States has engaged in frequent talks with EURATOM regarding the renegotiation of the U.S.-EURATOM agreements for cooperation. Talks were conducted in November 1978, September 1979, April 1980, January 1982, November 1983, March 1984, May, September, and November 1985, April and July 1986, September 1987, September and November 1988, July and December 1989, February, April, October, and December 1990, and September 1991. Formal negotiations on a new agreement were held in April, September, and December 1992, and in March, July, and October 1993. They are expected to continue this year.

I believe that it is essential that cooperation between the United States and EURATOM continue, and likewise, that we work closely with our allies to counter the threat of proliferation of nuclear explosives. Not only would a disruption of nuclear cooperation with

EURATOM eliminate any chance of progress in our talks with that organization related to our agreements, it would also cause serious problems in our overall relationships. Accordingly, I have determined that failure to continue peaceful nuclear cooperation with EURATOM would be seriously prejudicial to the achievement of U.S. nonproliferation objectives and would jeopardize the common defense and security of the United States. I therefore intend to sign an Executive order to extend the waiver of the application of the relevant export criterion of the Atomic Energy Act for an additional 12 months from March 10, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 9, 1994.

MESSAGES FROM THE HOUSE

At 5:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3345) to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

MEASURES PLACED ON THE CALENDAR

The following measure was discharged from the Committee on the Judiciary and placed on the calendar:

S. 1458. A bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1040. A bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States (Rept. No. 103-234).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 150. A joint resolution to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week."

S.J. Res. 151. A joint resolution designating the week of April 10 through 16, 1994, as "Primary Immune Deficiency Awareness Week."

S.J. Res. 162. A joint resolution designating March 25, 1994, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S.J. Res. 163. A joint resolution to proclaim March 20, 1994, as "National Agricultural Day."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-388. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Armed Services.

"HOUSE CONCURRENT MEMORIAL 2009

"Whereas, the United States Air Force Armstrong Laboratory Aircrew Training Research Division, located on Williams Air Force Base, remains a leader in aircrew training research and development; and

"Whereas, the Arizona legislature endorses the common goal of military readiness in support of national peace; and

"Whereas, the Armstrong Laboratory has helped develop many of the defensive technologies used in the recent conflict in the Middle East such as the chemical warfare defense study and the night vision goggle training research; and

"Whereas, the Armstrong Laboratory developed several flight simulators for training some of the best pilots in the United States Air Force; and

"Whereas, the Armstrong Laboratory employs people of the state of Arizona; and

"Whereas, the University of Dayton and the Armstrong Laboratory have a well-established procedure for exchanging research and technological information between them that benefits academia, industry and the military; and

"Whereas, high technology growth in the flight simulation and training technology field is highly desirable for the state of Arizona with thousands of new jobs projected for the coming years.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the President of the United States and the One Hundred Second Congress of the United States consider the continuation of operations at the United States Air Force Armstrong Laboratory after the closure of Williams Air Force Base that is currently scheduled to close in the month of September 1993.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Memorial to the United States President, the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of the Arizona Congressional Delegation."

POM-389. A resolution adopted by the Board of County Commissioners of Monroe County, Florida relative to Florida Bay; to the Committee on Energy and Natural Resources.

POM-390. A resolution adopted by the Board of County Commissioners of Monroe County, Florida relative to the Florida Everglades Initiative; to the Committee on Energy and Natural Resources.

POM-391. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT MEMORIAL 2007

"Whereas, passage of this act would, subject to valid existing rights, withdraw lands within Cave Creek Canyon from the general

mining, mineral leasing and material sales laws of the United States; and

"Whereas, Cave Creek Canyon is a sanctuary to hundreds of birds, animals and plants, many of which are on the endangered or threatened species list; and

"Whereas, Cave Creek Canyon serves as an important scientific research area and training ground for many national and international scientists; and

"Whereas, this area is one of the most popular and cherished bird watching spots in the United States and many other people treasure this region because it gives them the opportunity to hike and camp in a remote, beautiful and unspoiled setting; and

"Whereas, mining operations would disrupt and destroy this special wildlife haven; and

"Whereas, under current law, a mining company with a lease from the federal government is permitted to begin exploration and mining procedures in the Cave Creek Canyon area; and

"Whereas, passage of the Cave Creek Canyon Protection Act is the only permanent solution to protect this region from future mining operations.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the One Hundred Second of the United States pass the Cave Creek Canyon Protection Act.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Memorial to the Speaker of the United States House of Representatives, the President of the United States Senate, United States Representative Nick Rahall, Chairman of the Subcommittee on Mining and Natural Resources and each Member of the Arizona Congressional Delegation."

POM-392. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

"SENATE CONCURRENT MEMORIAL 1003

"Whereas, for more than a century the general mining law of the United States has provided the nation with the necessary domestic metals base essential to its national security, economic well-being and industrial production; and

"Whereas, the basic tenets of the general mining law, including self-initiation, freedom of access and security of tenure, have been and continue to be critical to the development of a healthy domestic mining industry; and

"Whereas, if the nation is to remain a strong international competitor in industrial production it must continue to develop a strong mineral base essential to that production; and

"Whereas, since statehood a healthy mining industry has been of significant importance to the economy of the State of Arizona, contributing billions of dollars in direct and indirect economic benefits to the state, its various political subdivisions and its residents; and

"Whereas, the continuation of a healthy mining industry is of significant importance to the revenue base of this state and to the continued economic growth and development of rural areas in this state.

"Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the One Hundred Second Congress of the United States oppose the Mineral Exploration and Development Act of 1991, H.R. 918, introduced by United States Congress-

man Nick J. Rahall, and the Mining Law Reform Act of 1991, S. 433, introduced by United States Senator Dale Bumpers.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Arizona Congressional Delegation."

POM-393. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT MEMORIAL 2002"

"Whereas, current operational practices at Glen Canyon Dam harm the environmental, recreational and cultural values of the Glen Canyon National Recreational Area and Grand Canyon National Park; and

"Whereas, the Grand Canyon Protection Act would mitigate adverse impacts to the area and improve the Grand Canyon National Park and the Glen Canyon National Recreational Area for natural and cultural resources and visitor use; and

"Whereas, passage of this act would enable a plan to be developed for operating the Glen Canyon Dam on an interim basis to protect and improve the condition of the natural, recreational and cultural resources of the Grand Canyon National Park and the Glen Canyon National Recreational Area; and

"Whereas, implementing this plan would not interfere with the water storage and delivery functions of the Glen Canyon Dam; and

"Whereas, the proposed plan would minimize the adverse environmental impact of the Glen Canyon Dam operations on the Grand Canyon National Park and the Glen Canyon National Recreational Area that are both located downstream from the Glen Canyon Dam; and

"Whereas, implementation of the proposed interim plan would adjust fluctuating water releases in producing hydroelectric power, adjust flow changes that will minimize adverse downstream impacts and minimize flood releases and will maintain minimum and limit maximum flows released during normal operations of the Glen Canyon Dam to minimize destructive environmental impacts of the Glen Canyon Dam operations on the Grand Canyon National Park and Glen Canyon National Recreational Area; and

"Whereas, this plan also will protect essential fishery resources; and

"Whereas, passage of this legislation is critical to the long-term protection of the Grand Canyon for natural, cultural and recreational use.

"Wherefore your memorialist, the house of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the One Hundred Second Congress of the United States pass the Grand Canyon Protection Act.

"2. That the Secretary of the State of the State of Arizona transmit copies of this Concurrent Resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of the Arizona Congressional Delegation."

POM-394. A resolution adopted by the Senate of the Legislature of the Commonwealth of Kentucky; to the Committee on Environment and Public Works.

"RESOLUTION"

"Whereas, the United States Army Corps of Engineers has decided to impose user fees

upon the citizenry who have historically enjoyed these public recreational facilities without charge at lakes operated by the Corps; and

"Whereas, the Corps is not mandated under current federal law to assess user fees; and

"Whereas, the funds received from user fees collected nationally would represent only the nominal amount of \$20 million; and

"Whereas, the user fees would represent an undue financial burden upon many who would have no place to recreate without such facilities provided gratis, including the working poor, the elderly, and young families; and

"Whereas, the Corps has not adequately explored other revenue-enhancing measures for these facilities, nor has it demonstrated conclusively the need for increased revenue; and

"Whereas, the Corps made its decision to assess user fees without public input and in clear violation of the very democratic principles that empower the government and public to whom the Corps is subservient and accountable; and

"Whereas, the Corps is charged with the responsibility of operating public recreational facilities that are located on public lands, which, by definition, are owned by the public; and

"Whereas, the imposition of unnecessary, disruptive, egregious fees upon the very public that is the true owner of these lands stands in clear violation of the spirit and intent of the laws which created these facilities; now, therefore,

"Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

"Section 1. That the Commonwealth of Kentucky respectfully requests and petitions the United States Army Corps of Engineers to rescind its decision to impose user fees at swimming beaches, boat docks and marinas, shelters, and picnic grounds at park and recreational facilities operated by the Corps.

"Section 2. That the Clerk of the Senate is directed to send copies of this Resolution to the Clerk of the U.S. House of Representatives; to the Secretary of the U.S. Senate; to Headquarters, U.S. Army Corps of Engineers, Washington, D.C. 20314-1000; and to the Louisville Office, U.S. Army Engineering District, P.O. Box 59, Louisville, KY 40201."

POM-395. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Finance.

"SENATE CONCURRENT RESOLUTION 1018"

"Whereas, Arizona recognizes the need for a strong federal highway trust fund; and

"Whereas, large-scale rehabilitation, repair and capacity improvements are ongoing necessities of the national highway and airway transportation systems; and

"Whereas, the highway and airway transportation systems are two of the most critical components of the physical infrastructure of the United States of America; and

"Whereas, there is a growing and concentrated national consensus for programs to serve the country's highway and airway transportation needs through the year 2020; and

"Whereas, high-quality highways and airports are critical to the ability of manufacturers to build and deliver products and to the ability of states and communities to attract new industry and sustain economic growth; and

"Whereas, the competitive position of the individual states and the nation in international trade is directly related to the quality of access to airports and the interstate

highway system and the physical condition of those airports, interstates and primary highways; and

"Whereas, in recent federal aid highways acts, the United States Congress has been required to include provisions for extending the highway trust fund and the taxes that fund it; and

"Whereas, a buildup of the highway trust fund has occurred, in part, because of obligation ceilings that have been imposed by the appropriation process, causing limits to be placed on the amount of money that states can commit each year to transportation projects; and

"Whereas, federal highway trust funds have been historically supported by the federal motor fuel tax obtained from highway users; and

"Whereas, in recent years, aviation and highway trust funds have been included in the sequestration of funds that are being used as a means to reduce the federal deficit; and

"Whereas, the removal of the highway trust fund from the federal unified budget would provide more than ten billion dollars for transportation projects, of which approximately ninety-seven million five hundred thousand dollars would be allocated to the state of Arizona that so vitally needs transportation funds; and

"Whereas, the removal of the airport and airway trust fund from the federal unified budget would provide approximately eight billion dollars for the modernization of airports and other improvements in the nation's aviation system, now therefore,

"Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

"1. That the President of the United States and the United States Congress make the highway trust fund, the airport and airway trust fund and the user fees accruing to them a permanent fund to ensure that reliable funding sources are available for constructing, rehabilitating and otherwise improving the highways, bridges and airports that are so essential to the vigor of the State of Arizona and the national economy.

"2. That the President of the United States and the United States Congress protect the highway trust fund and the airport and airway trust fund from predatory proposals to divert users' revenues to programs entirely unrelated to the transportation purposes for which the funds were established.

"3. That the United States Congress remove the federal highway trust fund and the airport and airway trust fund from the federal unified budget, release sequestered transportation funds and remove forever the specter of using dedicated highway or airway funds for budget reducing measures, thus making those funds available for the purposes that they were collected and intended, the nation's transportation infrastructure.

"4. That the Secretary of State of the State of Arizona transmit a certified copy of this Concurrent Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona."

POM-396. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Finance.

"HOUSE CONCURRENT RESOLUTION 2007"

"Whereas, it is necessary to enact the Social Security Notch Adjustment Act to provide for an equitable adjustment; and

"Whereas, in 1972 the United States Congress mandated that social security benefits be increased automatically, which was ultimately determined to be overgenerous in that it double indexed the benefits of future retirees to reflect both wage and price inflation; and

"Whereas, the Constitution and laws of the United States prohibit age discrimination; and

"Whereas, in 1977 the United States Congress enacted legislation creating a notch in social security benefits for workers born in the years between 1917 and 1926; and

"Whereas, these 'notch babies' do not receive social security benefits for taxes and earnings prior to the age of twenty-one or upon the age of sixty-two years; and

"Whereas, there is a penalty assessed against social security benefits for earnings; and

"Whereas, in 1991, the penalty to citizens under the age of sixty-five years was one dollar for every two dollars earned over the amount of seven thousand eighty dollars and the penalty to citizens over the age of sixty-five years was one dollar for every three dollars earned over the amount of nine thousand seven hundred twenty dollars; and

"Whereas, the social security trust fund is being used to reduce the national debt, which misleads the public as to the amount of the national debt; and

"Whereas, the social security trust fund is funded by our citizens for the purpose of preserving monies for social security benefits only; and

"Whereas, the United States Congress granted themselves substantial pay raises in a questionable one day session before their 1989 Thanksgiving recess; and

"Whereas, the Congress has improved their standard of living while refusing to address this social security discrimination that has drastically affected their constituents' standard of living, now therefore,

"Be it resolved by the Legislature of the State of Arizona:

"1. That the members of the Legislature respectfully request the One Hundred Second Congress of the United States, during their 1991 session, to comply with the United States Constitution and laws and end age discrimination by enacting legislation to:

"(a) Provide equitable social security benefits to the 'notch group' of people born between the years of 1917 and 1926 that were earned before the age of twenty-one and upon the age of sixty-two years.

"(b) Eliminate the discriminatory penalty on the earnings of recipients of social security benefits.

"(c) Protect and preserve the social security trust fund and discontinue the practice of misleading our citizens by using the fund surplus to reduce the national debt.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of the Arizona Congressional Delegation."

POM-397. A resolution adopted by the City Council of the City of Schenectady, New York, relative to unfunded Federal mandates; to the Committee on Governmental Affairs.

POM-398. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Indian Affairs.

"SENATE CONCURRENT RESOLUTION 1017

"Whereas, the people of the State of Arizona view with concern the threatened re-

duction in services provided by the Indian health service to member of Indian tribes of this state; and

"Whereas, a reduction or a dismantling of health provider services will significantly threaten the health of members of Indian tribes of this state, now, therefore,

"Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

"1. That the Indian health service maintain its current budget and service level in this state.

"2. That the Indian health service maintain its current provider network on reservations in this state.

"3. That during the current congressional budget review the Arizona congressional delegation make a unified effort to increase funding by the Indian health service to Arizona Indian tribes.

"4. That the Secretary of State of the State of Arizona transmit a certified copy of this Concurrent Resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Arizona Congressional Delegation."

POM-399. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Indian Affairs.

"SENATE CONCURRENT RESOLUTION 1019

"Whereas, the Supreme Court of the United States, in *Duro v. Reina*, 110 S. Ct. 205 (1990), 109 L.Ed. 2d 693 (1990), has reversed two hundred years of the exercise of Indian tribes of criminal misdemeanor jurisdiction over all Indians residing on their reservations by ruling that tribes may only retain power over Indians enrolled in their respective tribe; and

"Whereas, this ruling displays a lack of understanding of the reality, history and demographics of Indian country including the fact that there are thousands of Indians living on reservations who are not enrolled at their particular reservation; and

"Whereas, a nonenrolled Indian may have lived on a particular reservation for all of his or her life, may have intermarried with an enrolled member, may have had children with an enrolled member and may own land or property on a reservation and not be an enrolled member at that particular reservation; and

"Whereas, a nonenrolled Indian is eligible for all programs that any Indian would be eligible for and is essentially given all the benefits of membership in a particular tribe including preference for employment; and

"Whereas, for the purpose of law enforcement, tribes have never distinguished between enrolled and nonenrolled Indians; and

"Whereas, the United States Supreme Court ruling has created an entire class of people over whom neither the federal, state or tribal government has jurisdiction for misdemeanor crimes, thereby creating a potential for serious lawlessness; and

"Whereas, the State of Arizona does not have funding available to hire the extra police officers, investigators, prosecutors and judges that would be necessary to prosecute misdemeanor crimes committed by Indians within the boundaries of Indian reservations, nor are there funds available to construct additional jails to house those who are convicted. Even if funds were available, tribal governments may not be able to successfully assert jurisdiction over all Indians residing on a particular reservation if jurisdiction depends on whether they are enrolled members of that tribe; and

"Whereas, the nontaxable status of reservation trust lands combined with the relative poverty of most Indian people make it difficult to offer any opportunity to raise the additional revenue that would be required to take over such a large job if jurisdiction were established; and

"Whereas, the United States Supreme Court indicated that it is the responsibility of the U.S. Congress to address any void in jurisdiction that may result from this ruling, now therefore,

"Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

"1. That the United States Congress be commended for passing Sections 8077 (b) and (c) of P.L. 101-511, signed by the President of the United States on November 5, 1990, that temporarily affirmed that tribes retain criminal misdemeanor jurisdiction over all Indians within the boundaries of the reservations and on lands of the tribes and urges the U.S. Congress to make this provision of P.L. 101-511 permanent law.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Arizona Congressional Delegation."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Helen G. Berrigan, of Louisiana, to be U.S. district judge for the Eastern District of Louisiana;

Daniel T.K. Hurley, of Florida, to be U.S. district judge for the Southern District of Florida;

Judith W. Rogers, of the District of Columbia, to be U.S. circuit judge for the District of Columbia Circuit;

Orlando L. Garcia, of Texas, to be U.S. district judge for the Western District of Texas; W. Royal Furguson, Jr., of Texas, to be U.S. district judge for the Western District of Texas;

Samuel Frederick Biery, Jr., of Texas, to be U.S. district judge for the Western District of Texas;

Janis Graham Jack, of Texas, to be U.S. district judge for the Southern District of Texas;

Cameron M. Currie, of South Carolina, to be U.S. district judge for the District of South Carolina;

Alfred E. Madrid, of Arizona, to be U.S. Marshal for the District of Arizona for the term of 4 years;

John H. Hannah, Jr., of Texas, to be U.S. district judge for the Eastern District of Texas;

Raimon L. Patton, of Tennessee, to be U.S. Marshal for the Middle District of Tennessee for the term of 4 years;

Charles Lester Zacharias, of Minnesota, to be U.S. Marshal for the District of Minnesota for the term of 4 years;

Lezin Joseph Hymel, Jr., of Louisiana, to be U.S. attorney for the Middle District of Louisiana for the term of 4 years;

Walter Clinton Holton, Jr., of North Carolina, to be U.S. attorney for the Middle District of North Carolina for the term of 4 years;

Timothy Patrick Mullaney, Sr., of Delaware, to be U.S. marshal for the District of Delaware for the term of 4 years;

John Marshall Roberts, of Tennessee, to be U.S. attorney for the Middle District of Tennessee for the term of 4 years;

Jack O. Dean, of Texas, to be U.S. marshal for the Western District of Texas for the term of 4 years;

Laurent F. Gilbert, of Maine, to be U.S. marshal for the District of Maine for the term of 4 years;

Israel Brooks, Jr., of South Carolina, to be U.S. marshal for the District of South Carolina for the term of 4 years;

John James Leyden, of Rhode Island, to be U.S. marshal for the District of Rhode Island for the term of 4 years;

Thomas A. Constantine, of New York, to be Administrator of Drug Enforcement; and Kristine Olson Rogers, of Oregon, to be U.S. attorney for the District of Oregon for the term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1910. A bill to establish a national research program to improve the production and marketing of sweet potatoes and increase the consumption and use of sweet potatoes by domestic and foreign consumers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 1911. A bill to suspend temporarily the duty on 5-Chloro-2-(2,4-dichlorophenoxy) phenol; to the Committee on Finance.

By Mr. GLENN:

S. 1912. A bill for the relief of Ethel M. Roberts of Newark, Ohio; to the Committee on Governmental Affairs.

By Mr. COCHRAN (for himself, Mr. PRESSLER, and Mrs. KASSEBAUM):

S. 1913. A bill to extend certain compliance dates for pesticide safety training and labeling requirements; considered and passed.

By Mr. SIMON:

S. 1914. A bill to allow holders of unclaimed Postal Savings System certificates of deposit to file claims for such certificates; to the Committee on the Judiciary.

By Mr. SHELBY (for himself, Mr. NICKLES, Mr. PRESSLER, Mr. GORTON, Mr. BURNS, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. PACKWOOD, and Mr. HATCH):

S. 1915. A bill to require certain Federal agencies to protect the rights of private property owners; to the Committee on Environment and Public Works.

By Mr. SIMON (for himself, Mr. LAUTENBERG, and Mrs. BOXER):

S. 1916. A bill to amend chapter 44 of title 18, United States Code, to increase certain firearm license application fees and require the immediate suspension of the license of a firearm licensee upon conviction of a violation of that chapter, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S.J. Res. 167. A joint resolution to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1910. A bill to establish a national research program to improve the production and marketing of sweet potatoes and increase the consumption and use of sweet potatoes by domestic and foreign consumers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SWEET POTATO RESEARCH AND PRODUCTION IMPROVEMENT ACT OF 1994

• Mr. JOHNSTON. Mr. President, I introduce legislation that will have a significant and far-reaching impact on our Nation's sweet potato industry. This legislation is identical to legislation I introduced prior to the adjournment of the 102d Congress and will provide needed research which will help not only one of our country's fastest growing commodity industries, but also help assure foreign and domestic consumers receive a higher quality product that is more nutritious, produced with less pesticides, grown utilizing more environmentally responsible management practices, and more efficiently processed and brought to market.

As my colleagues from sweet potato producing States know, sweet potatoes are not only delicious but highly nutritious, ranking at the top of the list in nutritional value when compared to other vegetables. However, while the U.S. production of sweet potatoes represents a \$3 million industry and one of our country's fastest growing commodities, we currently have very few research programs in place to address the needs of the industry in a variety of areas. To fill this need, this bill would establish a National Sweet Potato Research Program within the U.S. Department of Agriculture under the Agricultural Research Service [ARS]. This small investment would go a long way toward ensuring that land-grant colleges and institutions throughout the country place a higher priority on research efforts designed to move the U.S. sweet potato industry forward and ensure consumers of a higher quality product. ARS would issue research grants on a competitive basis for this purpose.

The research sponsored through the program would focus on seven major areas, each critically important to the future of the sweet potato industry. Areas targeted for research include crop disease and pest resistance, improved varieties, environmentally compatible management technologies, integrated crop management, environ-

mentally responsible chemical usage, and technology for better and more efficient harvesting, grading, storage, marketing, and processing of sweet potatoes.

Mr. President, the United States is by far the leader in agricultural research and technology. No other country has a safer, higher quality, or more abundant food supply than America. But the progress that we have made thus far has come from the investments we have made in improving this industry. We have the ability to go much, much further and should continue to strive to work toward that end. This bill will help us move forward at a very critical point for the sweet potato industry.

I urge my colleagues to support this legislation. It will prove beneficial to producers and consumers of sweet potatoes as well as assist the American agricultural support industry as a whole by working to expand further the already growing market for sweet potatoes.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sweet Potato Research and Production Improvement Act of 1994".

SEC. 2. NATIONAL SWEET POTATO RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Agricultural Research Service or through cooperative agreements with land-grant colleges and universities, shall conduct research regarding sweet potatoes, including research to develop—

(1) widely adapted, high-quality cultivars of sweet potato with increased yields and improved levels of disease and pest resistance for traditional markets and alternative uses;

(2) environmentally compatible management technologies to control diseases, nematodes, insects, and weeds that limit sweet potato production in the United States, including effective controls for sweet potato weevils in host and nonhost crops;

(3) detection and monitoring systems for male and female sweet potato weevils in sweet potato storage facilities and in field and seed bed plantings;

(4) integrated crop management practices for sweet potatoes that effectively combine cultural and biological controls, environmentally rational chemical usage, and host resistance;

(5) improved technology for more efficient harvesting, grading, and storage of sweet potatoes;

(6) improved technology for processing sweet potatoes for both traditional and non-traditional food products; and

(7) methods to increase sweet potato consumption and uses while also removing possible barriers that limit sweet potato use in both domestic and export markets.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture to carry out this section \$2,400,000 for fiscal year 1994 and each fiscal year thereafter. Of the amounts made available for a fiscal year under this section—

(1) not more than \$400,000 shall be made available to carry out research described in subsection (a)(1);

(2) not more than \$500,000 shall be made available to carry out research described in paragraphs (2) and (3) of subsection (a);

(3) not more than \$400,000 shall be made available to carry out research described in subsection (a)(4);

(4) not more than \$400,000 shall be made available to carry out research described in subsection (a)(5);

(5) not more than \$400,000 shall be made available to carry out research described in subsection (a)(6); and

(6) not more than \$300,000 shall be made available to carry out research described in subsection (a)(7).•

By Mr. GLENN:

S. 1912. A bill for the relief of Ethel M. Roberts of Newark, OH; to the Committee on Governmental Affairs.

ETHEL ROBERTS' PRIVATE RELIEF BILL

• Mr. GLENN. Mr. President, I introduce a personal relief bill for Ethel Roberts of Newark, OH. Ethel Roberts was denied a survivor's pension by the Office of Personnel Management [OPM] and the Merit Systems Protection Board [MSPB] because her husband, Hoyt J. Roberts, did not inform OPM upon their remarriage. Unfortunately, Hoyt Roberts was bedridden with terminal cancer and was physically unable to contact OPM. The only way that Ethel Roberts can receive a survivor's pension is through personal relief legislation.

Ethel Maxine Smith first married her husband, Hoyt J. Roberts, who was a civil servant, on May 14, 1950. The couple was divorced in 1977. In early 1989, Mr. Roberts was diagnosed with terminal cancer. To control Mr. Roberts' pain, the doctors gave him daily injections of morphine. It was under this morphine flood that Hoyt Roberts asked Ethel Roberts to remarry him. Mr. Roberts believed by remarrying his former wife, he could ensure Mrs. Roberts' pension, thus protecting her financial future. Mr. and Mrs. Roberts remarried on July 15, 1989, less than 1 month before Mr. Roberts' death.

Unfortunately, both OPM and MSPB ruled that Mrs. Roberts is not entitled to former spouse annuity benefits or survivor benefits because Mr. Roberts failed to elect survivor benefits for his wife upon the remarriage. Unfortunately, Mr. Roberts could not inform OPM of the remarriage because he was bedfast and taking large doses of morphine to control the pain of his illness. In addition, Mrs. Roberts claims that she had no idea that the remarriage would place her former spouse annuity benefits or survivor benefits in jeopardy because she and Mr. Roberts had a biblical marriage, in which Mrs. Rob-

erts took care of the household and Mr. Roberts handled the financial issues.

In their rulings on Ethel Roberts' case, both OPM and MSPB stated that Mrs. Roberts' entitlement to a former spouse annuity terminated with her remarriage (5 U.S.C. Sec. 8341(h)(3)(B)). Regarding Mr. Roberts' failure to elect survivor benefits for Mrs. Roberts upon their remarriage, both OPM and MSPB ruled that they had no administrative discretion to waive this rule for Mrs. Roberts even though Mr. Roberts was physically unable to contact OPM upon the remarriage.

Because both OPM and MSPB ruled against Mrs. Roberts, her only course of action is personal relief legislation. The bill I am introducing today would entitle Ethel Roberts to a former spouse annuity by declaring her remarriage to Hoyt Roberts null ab initio. Mrs. Roberts would then be entitled to all moneys that she would have received upon Hoyt Roberts' death in July 1989.

The extraordinary facts in this case lead me to believe that Mrs. Roberts' situation merits personal relief legislation. It has been almost 5 years since Mr. Roberts died, 5 years that Mrs. Roberts has had to go without this annuity. I hope that we can pass this legislation quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Notwithstanding section 8341(h)(3)(B) or any other provisions of chapter 83 of title 5, United States Code, in the administration of such chapter the marriage of Hoyt J. Roberts and Ethel M. Roberts (formerly Ethel Maxine Smith) of Newark, Ohio on July 15, 1989, shall be deemed to be null ab initio, and Ethel M. Roberts shall be entitled to a former spouse annuity based on her marriage to Hoyt J. Roberts on May 14, 1950 and the election of such former spouse annuity by Hoyt J. Roberts on January 1, 1988.

(b) The provisions of subsection (a) may not be construed to affect the application of any other Federal, State, or local law with regard to the marriage of Hoyt J. Roberts and Ethel M. Roberts on July 15, 1989.

(c) The provisions of this subsection shall be effective on and after July 15, 1989.

SEC. 2. Nothing in this Act may be construed as an inference of liability on the part of the United States.•

By Mr. SIMON:

S. 1914. A bill to allow holders of unclaimed postal savings system certificates of deposit to file claims for such certificates; to the Committee on the Judiciary.

POSTAL SAVINGS SYSTEM CERTIFICATES OF DEPOSIT ACT OF 1994

• Mr. SIMON. Mr. President, today I am introducing a bill that will allow holders of postal savings notes to re-

deem them with the U.S. Treasury Department.

In 1911, the postal savings system was established to allow people to purchase savings notes at the post office, because many immigrants were accustomed to saving at the post office.

In 1966, Congress terminated the system and transferred the unpaid deposits to the Treasury Department.

In 1984, Congress passed legislation designed to sunset the postal savings system, giving any individual holding postal savings notes 1 year to redeem them.

Since that time, however, the Treasury Department has received over 2,000 written inquiries and innumerable telephone inquiries from people wanting to cash in their notes.

We should give people one last chance to redeem their notes. This legislation will extend the final date for redemption to December 31, 1998.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT OF CLAIMS OF HOLDERS OF POSTAL SAVINGS SYSTEM CERTIFICATES.

Section 1322(c)(3) of title 31, United States Code, is amended by striking "more than one" and all that follows through the period and inserting "after December 31, 1998."

SEC. 2. PUBLICITY REGARDING THE PAYMENT OF CLAIMS.

(a) POLICY OF CONGRESS.—It is the policy of the Congress that every individual holding unclaimed Postal Savings System certificates of deposit should be able to redeem those certificates. Since these certificates are more than 26 years old and most of the individuals owning the certificates are elderly, it is vital that information relating to the ability to file claims pursuant to this Act be disseminated as widely as possible.

(b) PUBLICITY CAMPAIGN.—In furtherance of the policy set forth in subsection (a), the Secretary of the Treasury shall prepare a plan relating to the dissemination of information on the payment of claims filed pursuant to this Act. The plan shall be designed so that the information will reach those individuals most likely to own Postal Savings System certificates of deposit. The Secretary of the Treasury shall consult with representatives of senior citizen organizations in the design of this plan. The plan shall be put into operation no later than 6 months after the date of the enactment of this Act.

SEC. 3. TECHNICAL AMENDMENT.

Section 1322(c) of title 31, United States Code, is amended by striking paragraph (4).•

By Mr. SHELBY (for himself, Mr. NICKLES, Mr. PRESSLER, Mr. GORTON, Mr. BURNS, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. PACKWOOD, and Mr. HATCH):

S. 1915. A bill to require certain Federal agencies to protect the rights of

private property owners; to the Committee on Environment and Public Works.

PRIVATE PROPERTY OWNERS BILL OF RIGHTS
ACT

Mr. SHELBY. Mr. President, I am very pleased to introduce today, a piece of legislation that addresses the liberty and security of every individual in this country.

Mr. President, the bill that Senator NICKLES and I are introducing is not about creating new rights. Rather, it is about preserving old rights.

The private property owners bill of rights is intended to reaffirm and recognize a most basic purpose of government—the preservation of private property.

And that purpose is twofold, Mr. President. Our Government not only has an affirmative constitutional duty to protect private property, but it also is restricted from taking private property for its own use without compensating the owner.

And yet, even with such consensus and clarity on these constitutional guarantees and protections, the Federal Government continues to ignore the broader principles behind these guarantees every day.

Through the application and implementation of laws like the Endangered Species Act and section 404 of the Clean Water Act, individuals are regularly deprived of the benefit and value of their labor, and denied the right to freely control, use or dispose of their property.

Under these laws, the individual has no reasonable ability to appeal onerous agency actions, and the individual may be foreclosed from challenging decisions which effectively make his property valueless.

Mr. President, our bill would reaffirm the Government's constitutional duty to protect private property by requiring that agencies and agents enforcing ESA and wetlands statutes obtain consent from land owners before entering their property, and allow property owners the ability to appeal decisions affecting the use and value of their property.

The bill also ensures that the Federal Government protects the individual from uncompensated takings by requiring that the agency make a determination of whether an agency action under these statutes devalues the property by 50 percent or more—or eliminates any economically viable use of the land. If a positive determination is made, the agency must compensate the owner for the fair market value of the loss.

The right to control, possess, and transfer property—they represent independent values in land ownership and can constitute independent compensable interests in property. The value of possessing property may be stripped if the right to sell the land is taken, just as the value of possessing the land

is significantly depreciated if the owner can not improve or make use of his property.

Mr. President, by restricting a farmer from tilling 100 acres of land because it is designated a beetle habitat—the Government has converted private property to public use. Thus, since protecting the beetle is found to be for the public good, so should the costs of that protection be shared by the public and not imposed on the individual property owner.

I am convinced that in the coming years, the Federal Government will have to realistically address the impact of regulatory law on private property rights.

There is a growing resistance in this country to mandates from Washington that place the cost of public good on private property owners. If we are going to pursue laudable public endeavors like preserving wetlands and endangered species, then the public at large cannot continue to shift the cost of enforcing these statutes to unfortunate property owners.

Upholding the Constitution is not simply the duty of the courts, Mr. President. We are sworn as lawmakers to do the same. We should rectify our wrongs rather than waiting for the courts to do so for us.

Indeed, Mr. President, we are compelled to do so, for as John Locke would eloquently remind us, "whereas government has no other end but the preservation of property."

Mr. BURNS. Mr. President, I must apologize to my colleagues today. Old Man Cold finally caught up with me, and I am about to lose my voice. When it comes to the auction business or to politicians, that is almost a disaster. It becomes a crisis for us.

I rise today to join with Senator SHELBY and NICKLES in introducing the private property owners bill or rights. The Senator from Alabama was on the floor a while ago. I did not have my comments put together, but the purpose of this bill is to provide a consistent Federal policy to encourage, support, and promote the private ownership of property and to ensure the constitutional and legal rights of private property owners.

Private property rights are protected under the fifth amendment of the Constitution of the United States. A lot of us lean a lot on that fifth amendment, yet we have seen some laws that go flying through this Congress and are signed by the President that are encroaching more and more on this right which is a basis, I believe, in a free society.

The bill we are introducing today is very important to my State of Montana because it makes the Federal Government respect and protect private property rights when enforcing such acts as the Endangered Species Act and the Clean Water Act. Montana's pri-

vate property owners have been greatly impacted by those two laws alone. I will give an example.

In Montana last year, there was a headline that read like this: "Judge Says Grizzlies Have People Rights."

This article ran in an agricultural trade publication. The story was about a rancher, John Shuler, at Choteau, MT, who shot a grizzly bear in 1989 after he found three of these bears in his sheep corrals. He originally fired the shot to scare the bears away, but one bear did not scare and instead the bear charged him and he was forced to shoot the bear.

For those of you who may not be aware, grizzly bears are protected under the Endangered Species Act. The judge ruled that the Endangered Species Act self-defense exception must meet the same requirements used in criminal law for humans. The judge ruled that since this rancher had stepped off his porch to protect his investment, he purposefully placed himself in the zone of imminent danger of a bear attack. According to this judge, the rancher did not have the right to protect his property. And, folks, that probably calls for an attitudinal change, but basically that is wrong.

The private property owners bill of rights would create an administrative appeals process for affected property owners. And the bill establishes a framework so private property holders can seek and obtain compensation.

In other words, it lays out some guidelines as to what is commonly referred to in this business as taking.

Now, what changes your attitude about the Endangered Species Act? We had a person come to Montana, intent on studying grizzly bears. Instead, he ran into one. The bear got him down, put 28 holes in his skull, and I have never seen such an attitude change on bears as a protected animal. In fact, he made the statement there was some doubt as to who was on the endangered species list there for a little while.

So those attitudes all change. That is why we need this law. That is why private property needs to have something said about it whenever we start talking about the Clean Water Act or the Endangered Species Act.

In addition, before a Government official can enter your private land, with this piece of legislation they must have consent from the landowner. If information is selected on private property, this information cannot be used unless the private individual has full access to the information and has the right to dispute the accuracy of that information. The bill also establishes the right to administratively appeal decisions regarding wetlands and critical habitat of listed species.

We believe that protecting private property is of the utmost importance. That has always been the cornerstone to a lot of arguments in my great State of Montana.

This bill reinforces the Government's responsibility to protect property rights and will get the Federal Government off the backs of some people, the working men and women of this country. I strongly believe in every American's private property rights. This bill should be signed into law.

There is nothing more basic to a free society than private ownership in this great country. That is the cornerstone.

Mr. NICKLES. Mr. President, of all the freedoms we enjoy in this country, the ability to own, care for, and develop private property is perhaps the most crucial to our free enterprise economy. In fact, our economy would cease to function without the incentives provided by private property. So sacred and important are these rights, that our forefathers chose to specifically protect them in the fifth amendment to the U.S. Constitution, which says in part, "nor shall private property be taken for public use, without just compensation."

Unfortunately, Mr. President, some Federal environmental, safety, and health laws are encouraging Government violation of private property rights, and it is a problem which is increasing in severity and frequency. We would all like to believe the Constitution will protect our property rights if they are threatened, but today that is simply not true. The only way for a person to protect their private property rights is in the courts, and far too few people have the time or money to take such action. Thus many citizens lose their fifth amendment rights simply because no procedures have been established to prevent Government takings.

Mr. President, many people in the Federal bureaucracy believe that public protection of health, safety, and the environment is not compatible with protection of private property rights. I disagree. In fact, the terrible environmental conditions exposed in Eastern Europe when the cold war ended lead me to believe that the property ownership enhances environmental protection. As the residents of East Berlin and Prague know all too well, private owners are more effective caretakers of the environment than Communist governments.

Yet the question remains, how do we prevent overzealous bureaucrats from using their authority in ways which threaten property rights?

Mr. President, today I rise to join my colleague Senator RICHARD SHELBY of Alabama in introducing legislation which will strengthen every citizen's fifth amendment rights. Our bill, the private property owners bill of rights, targets, two of the worst property rights offenders, the Endangered Species Act and the Wetlands Permitting Program established by section 404 of the Clean Water Act.

Mr. President, our bill requires Federal agents who enter private property

to gather information under either the Endangered Species Act or the Wetlands Permitting Program to first obtain the written consent of the landowner. While it is difficult to believe that such a basic right should need to be spelled out in law, overzealous bureaucrats and environmental radicals too often guaranteed the right of access to that information, the right to dispute its accuracy, and the right of an administrative appeal from decisions made under those laws.

Most importantly, the private property owners bill of rights guarantees compensation for a landowner whose property is devalued by 50 percent or more by a Federal action under the Endangered Species Act or Wetlands Permitting Program. An administrative process is established to give property owners a simple and inexpensive way to seek resolution of their takings claims. If we are to truly live up to the requirements of our Constitution, Mr. President, we must make this commitment. I believe this provision will work both to protect landowners from uncompensated takings and to discourage Government actions which would cause such takings.

Mr. President, this legislation was originally conceived by Congressman BILL TAUZIN of Louisiana and introduced in the House of Representatives on February 23, 1994. I compliment Representative TAUZIN on his commitment to preserving the rights of private property owners, and I look forward to working closely with him and Senator SHELBY to enact this legislation.

Mr. President, the time has come for farmers, ranchers, and other landowners to take a stand against violations of their private property rights by the Federal bureaucracy. The private property owners bill of rights will help landowners take that stand.

By Mr. SIMON (for himself, Mr. LAUTENBERG, and Mrs. BOXER):

S. 1916. A bill to amend chapter 44 of title 18, United States Code, to increase certain firearm license application fees and require the immediate suspension of the license of a firearm licensee upon conviction of a violation of that chapter, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL GUN DEALER LICENSING REFORMS ACT

• Mr. SIMON. Mr. President, today, Senator LAUTENBERG and I introduce four important additions to pending Federal firearm licensee reform legislation included in the Senate crime bill. The purpose of these measures is to strengthen Federal standards for licensing firearms dealers by removing loopholes in the law and by providing the Bureau of Alcohol, Tobacco and Firearms [ATF] enhanced enforcement capabilities. I am pleased that the Clinton administration is joining us in this effort.

Over the past 2 years, firearms have killed 60,000 Americans, more than the number of United States soldiers killed in the Vietnam war. ATF estimates that there are potentially 200 million firearms in civilian hands—with nearly 4 million new firearms added each year. These statistics put the problem in perspective.

And where are these firearms coming from? ATF has determined that there are over 280,132 gun dealers in this country, with 9,754 in Illinois alone. That means that there is 1 firearm dealer for every 1,000 Americans, or 1 dealer for approximately every 200 firearm owners. The Violence Policy Center noted that there are more gun dealers in our country than there are gas stations.

In 1991, ATF issued 270 licenses a day, for a grand total of 91,000 new and renewed licenses that year. Only 37 of the 34,000 requests for new licenses that year were denied. Amazingly, fewer than 10 percent of applicants undergo an actual inspection in the form of a personal interview or on-site visit. This is because the number of investigators assigned to perform inspections has actually decreased 13 percent since 1980. Bureau spokesman Jack Killorion noted that "[T]he volume of licenses has outstripped our ability to keep up."

The importance of an initial inspection should not be overlooked. In New York City, where the ATF was able to go visit dealer applicants in conjunction with the local police department, many potential gun dealers dropped out of the application process. Similarly, when ATF agents in Pueblo, CO, worked hand-in-hand with local law enforcement agencies to inspect 165 gun dealers, 100 dealers surrendered their licenses. The 65 remaining licensees were found to be in strict compliance with all Federal, State and local laws. Unfortunately, programs such as these are at risk because resources are scarce.

Although many have argued that changes in the law will not affect crime because criminals do not buy guns from legitimate dealers, the statistics indicate otherwise. A 1991 survey conducted by ATF found that more than 27 percent of State prison inmates had purchased their crime guns from retail gun dealers. Obviously, when the dealer is unscrupulous, the damage can be extensive. For example:

For every month James Board, a federally licensed dealer in Hammond, IN, was in business, he illegally sold at least 100 guns a month from a converted den in his home, including 800 low-caliber, semiautomatic pistols during one 9 month period. So far, at least 60 of Board's guns "have been confiscated by Chicago police from murder suspects, drug dealers, and gang members," (Chicago Tribune).

Obviously, something must be done to ensure that gun licenses are not used for improper purposes. The meas-

ures Senator LAUTENBERG and I are introducing today will contribute significantly to this goal. Specifically, our proposal would:

Increase the license fee for gun dealers to \$600 per year; this provision would raise the annual Federal license fee for dealers to \$600, and eliminate the \$90 current reduced renewal fee. The purpose of this provision is to ensure that the taxpayers are not subsidizing the cost of establishing and maintaining a firearms business. Since Federal law restricts who can obtain a license and imposes a variety of regulatory and recordkeeping requirements on licensees, the Government's program costs must necessarily include application background investigations and periodic compliance inspections. The proposed fee increases would ensure that firearms licensees bear the burden of the Federal regulatory system.

Allow the Bureau of Alcohol, Tobacco and Firearms to suspend the licenses of gun dealers convicted of firearms violations; currently, law requires that if a licensee is indicted for a Gun Control Act violation or any other felony, he or she may continue to operate during the term of the indictment and until any conviction becomes final, including the exhaustion of all appeals. The new provision will enable ATF to suspend the license of a licensee convicted of a Federal firearms violation during the course of any appeals. If the conviction is overturned, the suspension would end and operations could resume. If the conviction is upheld on appeal, the license would be automatically revoked.

Increase the penalty for falsification of firearms records; this section would raise the maximum penalty for certain serious recordkeeping violations from misdemeanors to felonies. For example, failure to maintain records, falsifying records, or failing to note in the required records the name, age, and place of residence of a firearms purchaser, would be grouped with more serious offenses under 18 U.S.C. §924(a)(1)(B) which allows up to 5 years imprisonment. Less serious recordkeeping offenses would continue to be treated as misdemeanors.

Condition gun dealer licenses on compliance with all Federal laws relating to firearms. Under existing law, a license can be denied or revoked if the applicant has willfully violated the provisions of 18 U.S.C. chapter 44. However, a license could not be denied or revoked where the applicant or licensee has willfully violated the other two major statutes governing firearms businesses, the National Firearms Act (26 U.S.C. chapter 53) relating to machineguns, sawed-off shotguns and rifles, destructive devices, and certain other weapons, and the Arms Export Control Act (22 U.S.C. §2778) governing the importation and exportation of

firearms and other munitions. This section will ensure that licensees comply with all Federal laws regulating firearms.

Senator LAUTENBERG and I believe that these provisions, taken together with the reforms already included in the Senate crime bill, will make an enormous difference in law enforcement's ability to control the use of weapons for illegitimate purposes. Dealers must be held accountable for their actions. I urge my colleagues to join us in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN FIREARM LICENSE APPLICATION FEES.

Section 923(a) of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B) by striking "\$50" and inserting "\$600";

(B) in paragraph (1)(C) by striking "\$10" and inserting "\$600"; and

(C) in paragraph (2)(B) by striking "\$50" and inserting "\$600"; and

(D) in paragraph (3)(B) by striking "\$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years" and inserting "\$600 per year"; and

(2) in subsection (b) by striking "\$10" and inserting "\$50."

SEC. 2. CONVICTED LICENSEE.

Section 925(b) of title 18, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), when a licensed importer, licensed manufacturer, licensed dealer, or licensed collector is convicted of a violation of this chapter—Chapter 53 of the Internal Revenue Code of 1986, or section 38 of the Arms Export Control Act (22 U.S.C. 2778)—

"(A) all licenses issued to the licensee under this chapter shall be suspended immediately upon conviction and shall remain under suspension until all direct appeals are exhausted; and

"(B) if the conviction is upheld on final direct appeal, all licenses issued to the licensee under this chapter shall be automatically revoked."

SEC. 3. KNOWING FALSIFICATION OF RECORDS BY LICENSEES.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B) by striking "(a)(4), (a)(6)," and inserting "(a) (4) or (6), (b)(5)."; and

(2) in paragraph (3) by striking "knowingly—" and all that follows through the period at the end and inserting "knowingly violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both."

SEC. 4. REQUIREMENT THAT FIREARM LICENSEES COMPLY WITH ALL FEDERAL LAWS RELATING TO FIREARMS.

Section 923 of title 18, United States Code, is amended—

(1) in subsection (d)(1)(C) by inserting "chapter 53 of the Internal Revenue Code of 1986, or section 38 of the Arms Export Control Act (22 U.S.C. 2778)," after "chapter"; and

(2) in subsection (e)—

(A) by inserting "chapter 53 of the Internal Revenue Code of 1986, or section 38 of the Arms Export Control Act (22 U.S.C. 2778)," after "chapter" the first place it appears; and

(B) by striking "by the Secretary under this chapter" and inserting "thereunder".

• Mr. LAUTENBERG. Mr. President, I am very pleased to join with Senator SIMON in introducing legislation to increase licensing fees and tighten regulation of firearm dealers.

Mr. President, the current system of regulating firearm dealers is a joke. A bad joke.

There now are more federally licensed firearm dealers than gas stations in this country. Currently, 287,000 have licenses, and the number is growing rapidly.

Yet only about a quarter of these dealers, Mr. President, are operating legitimate storefront businesses. The rest, operating out of their homes or cars, are known as kitchen table dealers. Most of these people obtain licenses in order to obtain guns tax-free by mail at wholesale prices, and to evade waiting periods, gun purchase limits, and other firearm laws.

Many firearms that are used in crimes are traceable to these kitchen table dealers. There are numerous examples of dealers who have provided huge numbers of guns to drug dealers, gang members, gun traffickers, terrorists, and other criminals.

To provide one illustration, consider the case of one man who lived in the South Bronx. This individual reportedly had a long criminal record that included an indictment for murder. Nevertheless, he was able to obtain a Federal firearm dealer license. In less than 1 year, he bought more than 500 guns from wholesalers in other States. The guns were delivered by UPS in batches of up to 100 at a time. The man then sold the guns to drug dealers and other criminals.

This is not an unusual case, Mr. President. It's typical. And it suggests the importance of tightening up our regulatory system, which is far too loose.

Mr. President, becoming a kitchen table dealer is easy, quick, and very inexpensive. All you have to do is fill out a form and send in \$200, which covers the \$67 annual fee for 3 years. There's no hassle, no fuss, and, most likely, no ATF agent will call.

That's generally not ATF's fault, either. The Bureau has simply lacked the resources to check out applicants, or to investigate many licensees. While the number of firearm dealers has increased by about 65 percent since 1980, the number of ATF investigators assigned to inspect these dealers has been

reduced by 13 percent. As a result, fewer than 10 percent of dealer applicants undergo an actual inspection. And then, once licensed, the average dealer is audited only once every 20 years.

Clearly, Mr. President, the Bureau needs more agents and more funding to better police the system. And the best way to both provide those resources, and to limit the Bureau's burden, is to raise the licensing fee.

Mr. President, it's bad enough that innocent Americans are being placed at risk because the system of licensing firearm dealers is so lax. But adding insult to injury, the current \$67 annual licensing fee doesn't even come close to paying for the system. In effect, hard working taxpayers are being forced to subsidize firearm dealers. It's an outrage.

A licensing fee should be sufficient to at least pay for the costs of administering the regulatory system. And, in my view, the social costs of dealing in firearms—such as the costs of crime and of health care for victims of gun violence—also should be factored in.

Having said that, I also recognize the political realities of gun control legislation. The fact is, too few Members have been willing to stand up to the National Rifle Association and help put a stop to gun violence. I'm optimistic that with the enthusiastic support of Vice President GORE, with whom Senator SIMON and I met today to discuss this issue, we can get approval of a \$600 fee increase. While my own preference would be to go much higher, I appreciate that \$600 may be the highest we can realistically hope for in the short term.

Mr. President, tightening the regulation of firearm dealers can make a real difference in the battle against gun violence. But, clearly, we have to do more. We also need to adopt comprehensive gun control legislation along the lines of a bill I have proposed with Senator METZENBAUM. That bill would ban assault weapons and Saturday night specials, establish a system of licensing handgun purchasers, limit handgun purchases to one per month to attack gunrunning, and includes a wide variety of other measures.

In closing, let me congratulate and thank Senator SIMON for his outstanding leadership in this area. He and his excellent staff have devoted a great deal of time and effort to improving the regulation of firearm dealers, and they deserve great credit for their work. I am pleased to have had the opportunity to work with them on the initiative, and I look forward to continuing our joint efforts to raise the licensing fees for dealers, and to enact other measures to combat gun violence.

• Mrs. BOXER. Mr. President, I am proud to join with my colleagues today in introducing legislation that will im-

prove the regulation of this Nation's gun dealers.

Under the current system, we have more than 284,000 gun dealers, most of whom operate from their homes, out of the sight of Federal, State, and local authorities. Under the current system, it's cheaper to get a dealer's license than to buy two tickets to a play. Under the current system there is only one Bureau of Alcohol, Tobacco and Firearms [BATF] agent for every 1,000 licensees. Mr. President, the current system must change.

In my home State of California, where we have more than 20,000 gun dealers, we have learned first hand about the damage caused by these deadly loopholes. We have 1,100 gun dealers in the city of Los Angeles, but only 130 of them complied with a local ordinance requiring them to register, be fingerprinted and pay a \$300 fee. In the counties of Ventura, Santa Barbara, and Los Angeles, we have 4,000 gun dealers and only 12 Federal compliance inspectors. And, during a 6-month period in 1990, a federally licensed dealer in Los Angeles purchased more than 1,500 guns and sold them to gang members and others.

Mr. President, I want to commend the senior Senator from Illinois [Mr. SIMON] for recognizing this critical problem and coming forward with common sense solutions to address it. With his amendment to the Senate-passed crime bill, Senator SIMON started us down the path to real reform. Now, it's time for us, to come together and make even more progress.

By increasing dealer licensing fees, suspending the licenses of convicted gun dealers, increasing the penalties for record falsification and requiring dealers to comply with all Federal firearms laws, this bill will go a long way toward addressing this critical problem.

Mr. President, when we pass this legislation, we will help stop the abuses, close the loopholes and take another important step toward curbing the epidemic of gun violence in America. •

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S.J. Res. 167. A joint resolution to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week"; to the Committee on the Judiciary.

NATIONAL GANG VIOLENCE PREVENTION WEEK

• Mr. SIMON. Mr. President, for several years, the groups Parents Against Gangs and Broader Urban Involvement and Leadership Development have sponsored a Gang Awareness Week in Chicago. Based on the success of this week in raising awareness about the problems of gangs in Chicago and in our Nation, as well as encouraging parents and other community members to get involved in efforts to curb gang vio-

lence, I am introducing legislation to designate the week of September 12, 1994, as "National Gang Violence Prevention Week."

Our young people need a great deal of support and encouragement to help prevent them from joining gangs. Many youth in our cities today believe that becoming a gang member is their most worthwhile option. The loyalty among gang members provides a seemingly secure family, and the profits from gang-related illegal activities such as drug trafficking are a powerful draw. However, the life of a gang member is often a very violent one. Gang-related crime and violence continue to increase at an alarming rate. In Chicago alone, gang-related homicides per year rose from 38 in 1980 to 101 by 1990. Already, many neighborhoods, both in urban and rural areas, are virtually controlled by gangs. At a hearing held in Chicago by the Office of Justice Programs, one mother testified that one of the few sentences her 2-year-old child knows is: "Get down, get down, they're shooting." In Chicago, it has come to this.

Without preventing youth from becoming involved in gangs, we will see gang-related violence rise to even higher levels. We cannot afford to have thousands more American youth joining gangs. It is imperative that we take action now to prevent our youth from becoming involved in activities that destroy their opportunities to lead healthy and productive lives.

In Chicago, Parents Against Gangs and Broader Urban Involvement, and Leadership Development are two groups that have taken action. During Gang Awareness Week, they sponsor the Parents Against Gangs Annual Conference, displaying the Victims of Violent Crime Remembrance Quilt, and holding a Victims of Violent Crime Memorial Service.

I ask my colleagues to join me in designating the week of September 12, 1994, as "National Gang Violence Prevention Week" because I believe that the rest of the Nation would benefit from similar programs.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 167

Whereas the number of gang homicides has risen in Chicago alone from 38 in 1980 to 101 in 1990;

Whereas the number of gang-related homicides as of 1991 stood at 1,051;

Whereas, in the past decade, gang-related homicides and gang-related drug trafficking has increased and spread to cities in all 50 States;

Whereas, between the years 1989 and 1991, the number of gangs and gang members in the Nation's 79 largest cities doubled;

Whereas the number of gangs as of 1991 stood at 4,881 which includes 249,324 members;

Whereas gangs are now part of the crime problem in communities with populations as small as 8,000 citizens;

Whereas many gangs are actively involved in drug trafficking, and some Los Angeles gangs have been linked to Colombian drug cartels;

Whereas our youth are directly impacted by the rise in gang membership, with the average age of gang members being 19; and

Whereas every effort needs to be made to reduce gang violence and steer our young people away from gangs and every citizen needs to be aware of the problem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 12, 1994, through September 16, 1994, be designated as "National Gang Violence Prevention Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 70, a bill to reauthorize the national writing project, and for other purposes.

S. 289

At the request of Mr. REID, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 1040

At the request of Mr. KENNEDY, the names of the Senator from Connecticut [Mr. DODD], the Senator from New Hampshire [Mr. GREGG], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1040, a bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States.

S. 1485

At the request of Mr. DECONCINI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1485, a bill to extend certain satellite carrier compulsory licenses, and for other purposes.

S. 1690

At the request of Mr. PRYOR, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the

rules regarding subchapter S corporations.

S. 1791

At the request of Mr. KEMPTHORNE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1791, a bill to provide for mandatory life imprisonment of a person convicted of a second offense of kidnapping a minor.

S. 1851

At the request of Mr. WOFFORD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1851, a bill to exclude shipboard supervisory personnel from selection as employer representatives, and for other purposes.

S. 1862

At the request of Mr. MCCONNELL, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Montana [Mr. BURNS], the Senator from Mississippi [Mr. LOTT], the Senator from North Carolina [Mr. HELMS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1862, a bill to repeal the public financing of and spending limits on Presidential election campaigns.

AMENDMENTS SUBMITTED

NATIONAL COMPETITIVENESS ACT

COCHRAN (AND OTHERS) AMENDMENT NO. 1480

Mr. COCHRAN (for himself, Mrs. HUTCHISON, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. BURNS, Mr. DOMENICI, and Mr. KEMPTHORNE) proposed an amendment to the bill (S. 4) to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wylder Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . COMPLIANCE DATES FOR PESTICIDE SAFETY REQUIREMENTS.

(a) WORKER PROTECTION STANDARDS.—
(1) IN GENERAL.—The compliance date for the worker protection standard set forth in part 170 of subchapter E of chapter I of title 40, Code of Federal Regulations, shall be October 23, 1995.
(2) PESTICIDE SAFETY TRAINING.—Not later than April 23, 1995, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall—
(A) develop and distribute pesticide safety training materials that convey, at a mini-

mum, the information referred to in section 170.230(c)(4) of such title; and

(B) assist the appropriate Federal, State, and tribal agencies in implementing pesticide safety training programs required under section 170 of such title.

(b) LABELING REQUIREMENTS.—

(1) ENFORCEMENT.—

(A) IN GENERAL.—During the period ending on October 23, 1995, the labeling requirements for pesticides and devices set forth in subpart K of part 156 of subchapter E of chapter I of title 40, Code of Federal Regulations, may be enforced only—
(i) in a State that has established a worker protection program with respect to pesticides and devices as of the date of enactment of this Act; and
(ii) for the purposes of enforcing a State program referred to in clause (i).

(B) EQUIVALENCY.—During the period ending on October 23, 1995, each worker protection program referred to in subparagraph (A)(i) shall be considered to meet the requirements of the worker protection standard set forth in part 170 of such subchapter. After such date, the Administrator shall reassess whether the program meets the standard.

(2) NOTIFICATION OF PURCHASES.—Beginning on April 22, 1994, each registrant of pesticides shall provide information for point-of-sale notification to inform purchasers of pesticides that the applicable compliance date for the labeling requirements referred to in paragraph (1)(A) is October 23, 1995.

COVERDELL AMENDMENT NO. 1481

Mr. COVERDELL proposed an amendment to the bill S. 4, supra; as follows:

At the end of the committee substitute, add the following new title:

TITLE VII—PRIVATE CARRIAGE OF URGENT LETTERS

SEC. 701. PRIVATE CARRIAGE OF URGENT LETTERS.

(a) POSTAL SERVICE ADMINISTRATION.—(1) Section 601(a) of title 39, United States Code, is amended by striking out "A letter" and inserting in lieu thereof "Subject to the provisions of section 607, a letter".

(2)(A) Chapter 6 of title 39, United States Code, is amended by adding after section 606 the following new section:

"§ 607. Administration relating to urgent letters

"In the administration of the provisions of this chapter, chapter 4 of this title, and sections 1693 through 1699 of title 18, the Postal Service or the Attorney General of the United States may not—

(1) fine or otherwise penalize any person who—

"(A) is not an entity of the United States Government; and

"(B) uses a private express for the private carriage of any letter which such person determines is urgent; or

"(2)(A) create a presumption of a violation by a private shipper or carrier with paragraph (1)(B) or any regulation promulgated thereunder relating to the private carriage of an urgent letter as determined under such paragraph; or

"(B) establish or shift a burden of establishing the fact of compliance by a private shipper or carrier with paragraph (1)(B) or any regulation promulgated thereunder relating to the private carriage of an urgent letter as determined under such paragraph."

(B) The table of sections for chapter 6 of title 39, United States Code, is amended by

adding after the item relating to section 606 the following:

"607. Administration relating to urgent letters."

(b) PRIVATE EXPRESS PROVISIONS.—(1) Chapter 83 of title 18, United States Code, is amended by inserting after section 1699 of the following new section:

"§ 1699A. Application of postal service provisions

"The provisions of sections 1693 through 1699 of this title shall be subject to the provisions of section 607 of title 39."

(2) The table of sections for chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1699 the following:

"1699A. Application of Postal Service provisions."

DANFORTH AMENDMENT NO. 1482

Mr. DANFORTH proposed an amendment to the bill S. 4, supra; as follows:

At the appropriate place, insert the following: Notwithstanding any other provision in this Act, the amounts authorized to be appropriated by this Act shall not be appropriated, but rather the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit.

COVERDELL (AND OTHERS) AMENDMENT NO. 1483

Mr. COVERDELL (for himself, Mr. MURKOWSKI, and Mr. PRYOR) proposed an amendment to the bill S. 4, supra; as follows:

On page 216, add after line 12 the following new title:

TITLE VII—PRIVATE CARRIAGE OF URGENT LETTERS

SEC. 701. PRIVATE CARRIAGE OF URGENT LETTERS.

It is the sense of the Congress that the United States Postal Service, in the administration of chapter 6 of title 39, United States Code, shall suspend its audits by the Postal Inspection Service of private businesses or individuals who use private express for the private carriage of any letter which such business or individual determines is urgent, until the Congress receives and considers a report by the General Accounting Office regarding the potential financial impact on the Postal Service of permanently suspending enforcement of chapter 6, of title 39, United States Code.

MCCONNELL AMENDMENT NO. 1484

(Ordered to lie on the table.)

Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 4, supra;

NOTICE TO SUSPEND RULE XXVI

Mr. MCCONNELL submitted the following notice in writing:

Mr. President, it is my intention to move to amend the Standing Rules of the Senate. An amendment to be proposed by myself would amend Rule XXVI of the Standing Rules of the Senate by adding the following:

MCCONNELL AMENDMENT NO. 1484

At the end of the bill, add the following new section:

SEC. . LITIGATION IMPACT STATEMENT.

Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended by—

(1) in subparagraph (c), by striking "paragraphs (a) and (b)" and inserting "paragraphs (a), (b), and (c)";

(2) by redesignating subparagraph (c) as subparagraph (d); and

(3) by adding after subparagraph (b) the following:

"(c) Each such report (except those by the Committee on Appropriations) shall also contain a litigation impact statement prepared by the Department of Justice which shall include—

"(1) an estimate of any increase in litigation which would result from the enactment of the bill or joint resolution;

"(2) an estimate of any increase in private liability which would result from the enactment of the bill or joint resolution; and

"(3) an estimate of any increase in liability insurance costs which would result from the enactment of the bill or joint resolution."

NICKLES (AND OTHERS) AMENDMENT NO. 1485

Mr. NICKLES (for himself, Mr. REID, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BURNS, Mr. HELMS, Mr. BENNETT, Mr. DANFORTH, Mr. DOMENICI, Mr. GRASSLEY, Mr. BOREN, Mr. COATS, Mr. GRAMM, and Mrs. HUTCHISON) proposed an amendment to the bill S. 4, supra; as follows:

At the end of the substitute, add the following:

SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) compliance with Federal regulations is estimated to cost the private sector and State and local governments as much as \$850,000,000,000 a year;

(B) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities;

(C) State and local governments are forced to absorb the cost of unfunded Federal mandates; and

(D) in addition to budget and deficit estimates, Congress and the executive branch decision makers need to be aware of regulatory cost impacts of proposed Federal actions on the private sector and State, local, and tribal governments.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that the people of United States are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) to require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities;

(C) to provide a means to ensure that congressional and executive branch action are focused on enhancing economic growth and providing increased job opportunities for the people of United States; and

(D) to protect against congressional or executive branch actions which hinder economic growth or eliminate jobs for the people of United States.

(c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS FOR LEGISLATION.—

(1) PREPARATION.—The Director of the Congressional Budget Office (referred to as the

"Director") shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill or joint resolution reported by any committee (except the Committee on Appropriations) of the House of Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the bill or joint resolution and a determination of the groups and classes of such individuals and businesses;

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the costs which would be incurred by the private sector in carrying out or complying with such bill or joint resolution in the fiscal year in which it is to become effective, and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate.

(ii) Estimates required by this subparagraph shall include specific data on costs imposed on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) the estimates required by section 403 of the Congressional Budget Act of 1974; and

(ii) an evaluation of the extent of the costs of the Federal mandates arising from such bill or joint resolution in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(3) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the Director shall submit a statement setting forth the reasons for non-compliance.

(4) STATEMENT TO ACCOMPANY COMMITTEE REPORTS.—The economic and employment impact statement required by this subsection shall accompany each bill or joint resolution reported or otherwise considered on the floor of either House. Such statement shall be printed in the committee report upon timely submission to the committee. If not timely filed or otherwise unavailable for publication in the committee report, the economic and regulatory statement shall be published in the Congressional Record not less than 2 calendar days prior to any floor consideration of a bill or joint resolution subject to the provisions of this subsection by either House.

(5) COMMITTEE STATEMENTS OPTIONAL.—Nothing in this subsection shall be construed to modify or otherwise affect the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, regarding preparation of an evaluation of regulatory impact.

(d) ECONOMIC AND EMPLOYMENT IMPACT STATEMENT FOR EXECUTIVE BRANCH REGULATIONS.—

(1) PREPARATION.—Each Federal department or executive branch agency shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany regulatory actions.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the regulatory action and a determina-

tion of the groups and classes of such individuals and businesses.

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the cost which would be incurred by the private sector in carrying out or complying with such regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate;

(ii) The estimate required by this subparagraph shall include specific data on costs on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) an estimate of cost which would be incurred by State and local governments in carrying out or complying with the regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year; together with the basis for such estimate;

(ii) a comparison of the estimates of costs described in clause (i), with any available estimates of costs made by any Federal or State agency;

(iii) if the agency determines that the regulatory action is likely to result in annual cost to State and local governments of \$200,000,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government, a statement by the agency detailing such results or consequences; and

(iv) an evaluation of the extent of the costs of the Federal mandates arising from the regulatory action in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(4) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the agency or department shall submit a statement setting forth the reasons for noncompliance.

(5) STATEMENT TO ACCOMPANY FEDERAL REGULATORY ACTIONS.—The economic and employment impact statement with respect to a regulatory action required by this subsection shall be published in the Federal Register together with the publication of such regulatory action. If the regulatory action is not published in the Federal Register, the economic and employment impact statement shall be made available to the public in a timely manner.

(6) DEFINITION OF "REGULATORY ACTION".—For purposes of this subsection, the term "regulatory action" means any substantive action by a Federal agency (required to be or customarily published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, notices of proposed rulemaking, interim final rules, and final rules and regulations.

(e) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENT.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS ECONOMIC IMPACT STATEMENTS.—The President may waive the requirements of subsection (d) at any

time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(f) EFFECTIVE DATE.—This section shall take effect 30 days after the date enactment of this Act.

SIMPSON (AND OTHERS) AMENDMENT NO. 1486

Mr. SIMPSON (for himself and Mr. NICKLES, Mr. DOLE, Mr. COCHRAN, Mr. GRAMM, Mr. THURMOND, Mr. DURENBERGER, Mr. KEMPTHORNE, Mr. WALLOP, Mr. COVERDELL, Mr. MURKOWSKI, Mr. MACK, Mr. PRESSLER, Mr. LOTT, Mr. SMITH, Mrs. HUTCHISON, Mr. HELMS, Mr. CRAIG, Mr. COATS, Mr. GORTON, and Mr. WARNER) proposed an amendment to the bill S. 4, supra; as follows:

Strike out the Committee substitute amendment and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Regulatory Reform Act of 1994".

TITLE I—REGULATORY PROCESS REFORM

Subtitle A—Economic and Employment Impact

SEC. 101. ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This subtitle may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) compliance with Federal regulations is estimated to cost the private sector and State and local governments as much as \$850,000,000,000 a year;

(B) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities;

(C) State and local governments are forced to absorb the cost of unfunded Federal mandates; and

(D) in addition to budget and deficit estimates, Congress and the executive branch decision makers need to be aware of regulatory cost impacts of proposed Federal actions on the private sector and State, local, and tribal governments.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that the people of the United States are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) to require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities;

(C) to provide a means to ensure that congressional and executive branch action are focused on enhancing economic growth and providing increased job opportunities for the people of the United States; and

(D) to protect against congressional or executive branch actions which hinder economic growth or eliminate jobs for the people of the United States.

(c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS FOR LEGISLATION.—

(1) PREPARATION.—The Director of the Congressional Budget Office (referred to as the "Director") shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill or joint resolution reported by any committee

(except the Committee on Appropriations) of the House of Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the bill or joint resolution and a determination of the groups and classes of such individuals and businesses;

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the costs which would be incurred by the private sector in carrying out or complying with such bill or joint resolution in the fiscal year in which it is to become effective, and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate.

(ii) Estimates required by this subparagraph shall include specific data on costs imposed on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) the estimates required by section 403 of the Congressional Budget Act of 1974; and

(ii) an evaluation of the extent of the costs of the Federal mandates arising from such bill or joint resolution in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(3) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the Director shall submit a statement setting forth the reasons for noncompliance.

(4) STATEMENT TO ACCOMPANY COMMITTEE REPORTS.—The economic and employment impact statement required by this subsection shall accompany each bill or joint resolution reported or otherwise considered on the floor of either House. Such statement shall be printed in the committee report upon timely submission to the committee. If not timely filed or otherwise unavailable for publication in the committee report, the economic and regulatory statement shall be published in the Congressional Record not less than 2 calendar days prior to any floor consideration of a bill or joint resolution subject to the provisions of this subsection by either House.

(5) COMMITTEE STATEMENTS OPTIONAL.—Nothing in this subsection shall be construed to modify or otherwise affect the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, regarding preparation of an evaluation of regulatory impact.

(d) ECONOMIC AND EMPLOYMENT IMPACT STATEMENT FOR EXECUTIVE BRANCH REGULATIONS.—

(1) PREPARATION.—Each Federal department or executive branch agency shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany regulatory actions.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the regulatory action and a determination of the groups and classes of such individuals and businesses.

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the costs which would be incurred by the private sector in carrying out or complying with such regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate;

(ii) The estimate required by this subparagraph shall include specific data on costs on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) an estimate of cost which would be incurred by State and local governments in carrying out or complying with the regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for such estimate;

(ii) a comparison of the estimates of costs described in clause (i), with any available estimates of costs made by any Federal or State agency;

(iii) if the agency determines that the regulatory action is likely to result in annual cost to State and local governments of \$200,000,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government, a statement by the agency detailing such results or consequences; and

(iv) an evaluation of the extent of the costs of the Federal mandates arising from the regulatory action in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(4) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the Department or agency shall submit a statement setting forth the reasons for noncompliance.

(5) STATEMENT TO ACCOMPANY FEDERAL REGULATORY ACTIONS.—The economic and employment impact statement with respect to a regulatory action required by this subsection shall be published in the Federal Register together with the publication of such regulatory action. If the regulatory action is not published in the Federal Register, the economic and employment impact statement shall be made available to the public in a timely manner.

(6) DEFINITION OF "REGULATORY ACTION".—For purposes of this subsection, the term "regulatory action" means any substantive action by a Federal agency (required to be or customarily published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, notices of proposed rulemaking, interim final rules, and final rules and regulations.

(e) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENTS.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS ECONOMIC IMPACT STATEMENTS.—The President may waive the requirements of subsection (d) at any time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(f) EFFECTIVE DATE.—This section shall take effect 30 days after the date enactment of this Act.

Subtitle B—Cost Benefit Analysis of Regulatory Actions

SEC. 111. RISK AND COST BENEFIT ANALYSIS OF REGULATORY ACTIONS.

(a) DEFINITION.—For purposes of this section, the term "regulatory action" means a substantive action by a Federal agency (required to be or customarily published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including—

- (1) a notice of proposed rulemaking; and
- (2) an interim final rule.

(b) COMPREHENSIVE ANALYSIS OF SPECIFIC ECONOMIC COSTS AND BENEFITS.—Notwithstanding any other provision of law, for each regulatory action, the head of a Federal agency proposing a regulatory action shall—

(1) publish in the Federal Register a comprehensive analysis of the specific costs and benefits or detailed summary of such an analysis resulting from implementation of the final rule or regulation contemplated by the regulatory action; and

(2) certify that the regulation will produce benefits that will justify the cost to the Government and to the public of implementation of, and compliance with, the regulatory action.

(c) COSTS.—The head of an agency proposing a regulatory action shall include in the analysis as specific costs, when applicable—

- (1) the total number of direct and indirect jobs to be lost;
- (2) the costs incurred by Federal, State, and local governments, and other public and private entities; and
- (3) any human health or environmental risks created as a result of implementation of, and compliance with, the proposed regulation or the proposed regulatory change.

(d) BENEFITS.—The head of an agency proposing a regulatory action shall include in the analysis as specific benefits, when applicable—

- (1) the total number of direct and indirect jobs to be gained;
- (2) the savings realized by Federal, State, and local governments, and other public and private entities; and
- (3) the human health or environmental risk to be reduced by the proposed regulation or proposed regulatory change.

(e) NO COST/BENEFIT CERTIFICATION.—If the head of the agency proposing a regulatory action is unable to make the certification under subsection (b)(2), the head of the agency shall include in the statement published in the Federal Register the reasons why such certification cannot be made. The head of the agency shall submit a copy of the statement to the Congress.

Subtitle C—Private Property Rights

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Private Property Rights Act of 1994".

SEC. 122. DEFINITIONS.

As used in this subtitle:

(1) The term "agency" means all executive branch agencies, including any military department of the United States Government, any United States Government corporation, United States Government controlled corporation, or other establishment in the Executive Branch of the United States Government.

(2) The term "taking of private property" means an activity wherein private property is taken such that compensation to the owner of that property is required by the

Fifth Amendment to the Constitution of the United States.

SEC. 123. PROTECTION OF PRIVATE PROPERTY.

No regulations promulgated after the date of enactment of this Act by any agency shall become effective until the issuing agency is certified by the Attorney General to be in compliance with Executive Order 12630, as in effect in 1991, the language of which is hereby incorporated by reference and enacted into public law, to assess the potential for the taking of private property in the course of Federal regulatory activity, with the goal of minimizing such where possible.

SEC. 124. JUDICIAL REVIEW.

(a) IN GENERAL.—Judicial review of actions taken pursuant to this Act shall be limited to whether the Attorney General has certified the issuing agency as in compliance with Executive Order 12630 or similar procedures, such review to be permitted in the same forum and at the same time as the issued regulations are otherwise subject to judicial review. Only persons adversely affected or grieved by agency action shall have standing to challenge that action as contrary to this Act. In no event shall such review include any issue for which the United States Claims Court has jurisdiction.

(b) APPLICATION.—Nothing in this section shall affect any otherwise available judicial review of agency action.

Subtitle D—Regulatory Flexibility Analysis

SEC. 131. DEFINITIONS.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (2), by inserting "any rule of the Internal Revenue Service," before "or any other law, including";

(2) in paragraph (5), by striking out "and" at the end thereof;

(3) in paragraph (6), by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(4) by adding at the end thereof the following new paragraph:

"(7) the term 'impact' means effects of a proposed or final rule which an agency can anticipate at the time of publication, and includes those effects which are directly and indirectly imposed by the proposed or final rule and are beneficial and negative."

SEC. 132. INITIAL REGULATORY FLEXIBILITY ANALYSIS.

Section 603 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by inserting "as defined under section 601(2)" after "any proposed rule"; and

(B) in the second sentence by striking out "the impact" and inserting in lieu thereof "both the direct and indirect impacts";

(2) in subsection (b)(3), by striking out "apply" and inserting in lieu thereof "directly apply and an estimate of the number of small entities to which the rule will indirectly apply"; and

(3) in subsection (c), in the first sentence by inserting before the period "either directly or indirectly effected".

SEC. 133. FINAL REGULATORY FLEXIBILITY ANALYSIS.

Section 604(a) of title 5, United States Code, is amended in the first sentence by striking out "under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking" and inserting in lieu thereof "as defined under section 610(2)".

SEC. 134. JUDICIAL REVIEW.

Section 611 of title 5, United States Code, is amended—

- (1) by striking out subsection (b); and
 (2) by redesignating subsection (c) as subsection (b).

TITLE II—REGULATORY REPEAL AND REFORM

Subtitle A—Davis-Bacon Act Reform

SEC. 201. INCREASE IN THE FEDERAL CONSTRUCTION CONTRACT AMOUNT REQUIREMENT UNDER THE DAVIS-BACON ACT; TECHNICAL AND CONFORMING AMENDMENTS.

(a) INCREASE IN THRESHOLD AMOUNT.—Section 1(a) of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a), is amended by striking "for every contract" and all that follows through "the geographical limits of the States of the Union or the District of Columbia," and inserting the following: "for every contract—

"(1) in excess of \$100,000, to which the United States or the District of Columbia is a party, for construction, alteration, or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the 48 contiguous States of the United States, or the District of Columbia; or

"(2) in excess of \$2,000, to which the United States or the District of Columbia is a party, for construction, alteration, or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of a State of the United States that is not contiguous to any other State of the United States."

(b) PROHIBITION OF CONTRACT-SPLITTING.—Section 1 of the Act of March 3, 1931 (40 U.S.C. 276a), is further amended by adding at the end the following new subsections:

"(c) Except as provided in subsection (f), any person entering into a contract under which wages are to be determined in accordance with this Act shall not divide any project to which such contract applies, into two or more contracts of \$100,000 or less if the project would not have been so divided but for the purpose of avoiding application of this Act.

"(d) If the Secretary of Labor determines that a division of contracts in violation of subsection (c) has occurred, the Secretary may—

"(1) require that the contracts, grants, or other instruments providing Federal financing or assistance be amended so as to incorporate retroactively all the provisions that would have been required under this Act or other applicable prevailing wage statute; and

"(2) require the contracting or assisting agency, the recipient of Federal financing or assistance, or any other entity that awarded the contract or instrument providing Federal financing or assistance in violation of this section, to compensate the contractor, the grantee, or other recipient of Federal assistance, as appropriate, for payment to each affected laborer and mechanic, of an amount equal to the difference between the rate received and the applicable prevailing wage rate, with interest on wages due at the rate specified in section 6621(c) of the Internal Revenue Code of 1986, from the date the work was performed by such laborers and mechanics.

"(e) The Secretary shall make a determination that a violation of subsection (c) has occurred only where the Secretary has notified the agency or entity in question not later than 180 days after completion of construction on the project that an investigation will be conducted concerning an alleged violation of this subsection.

"(f) The provision of subsection (c) shall not apply to a contract described in paragraph (2) of subsection (a)."

(c) TECHNICAL AMENDMENT APPLYING REFORM TO RELATED ACTS.—The Act of March 3, 1931 (40 U.S.C. 276a–276a–5) is further amended by adding at the end the following new section:

"SEC. 8. (a) Except as provided in subsection (b), no provision of any law requiring the payment of prevailing wage rates as determined by the Secretary in accordance with this Act shall apply to contracts for construction, alteration, or repair valued at \$100,000 or less, or in the case of rent supplement assistance or other assistance for which the instrument of Federal financing or assistance does not have an aggregate dollar amount, where the assisted project is in the amount of \$100,000 or less.

"(b) The provision of subsection (a) shall not apply to a contract described in section 1(a)(2)."

(d) CONFORMING AMENDMENT TO THE COPELAND ACT.—The Act of June 13, 1934, (commonly known as the Copeland Act) (40 U.S.C. 276c), is amended by adding at the end thereof the following: "Except for a contract described in section 1(a)(2) of the Act of March 3, 1931 (40 U.S.C. 276a(a)(2)), this section shall not apply to any contract or project that is exempted by its size from the application of such Act."

SEC. 202. AMENDMENT TO THE COPELAND ACT TO ELIMINATE UNNECESSARY AND BURDENSOME REPORTS AND TO PROVIDE FOR MORE EFFECTIVE AND EFFICIENT VERIFICATION OF COMPLIANCE WITH THE DAVIS-BACON ACT.

Section 2 of the Act of June 13, 1934 (commonly known as the Copeland Act) (40 U.S.C. 276c), is amended by striking in the first sentence "weekly" and all that follows through "week" and inserting "at least once per month a statement of compliance with the labor standards provisions of applicable law that certifies the payroll with respect to wages paid employees during the preceding period for which such statement is furnished and that covers each week any contract work is performed".

Subtitle B—Increase of Service Contract Act of 1965 Contract Amount

SEC. 211. INCREASE IN THE FEDERAL CONSTRUCTION CONTRACT AMOUNT REQUIREMENT UNDER THE SERVICE CONTRACT ACT OF 1965.

The matter preceding paragraph (1) of section 2(a) of the Service Contract Act of 1965 (41 U.S.C. 351(a)), is amended to read as follows:

"(a) Except as provided in section 7, every contract (and any bid specification therefor) entered into by the United States or the District of Columbia, whether negotiated or advertised, in excess of \$100,000 in the case of a contract the principal purpose of which is to furnish services within the geographical limits of the 48 contiguous States of the United States, or the District of Columbia through the use of service employees, or \$2,500 in the case of a contract the principal purpose of which is to furnish services in a State of the United States that is not contiguous to any other State of the United States through the use of service employees, shall contain the following:"

Subtitle C—Export of Certain Devices Regulated by the Food and Drug Administration

SEC. 215. EXPORT OF DEVICES.

Section 801(e)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(2)) is amended by striking subparagraph (C) and

the matter following subparagraph (C) and inserting the following:

"(C) which is a banned device under section 516,

except as provided in paragraph (3).

"(3) Paragraph (1) shall apply to a device described in paragraph (2) if the Secretary has determined such device is—

"(A) the subject of an application under active review under section 515,

"(B) to be exported to one or more of the countries listed under section 802(b)(4)(A),

"(C) to be labeled for export only to a country listed under section 802(b)(4)(A), and

"(D) the subject of a certification by the manufacturer of the device that certain steps will be taken to reduce the likelihood of transshipment of the device to countries not listed under section 802(b)(4)(A)."

Subtitle D—Safety Exemptions for Heroic Acts

SEC. 231. SHORT TITLE.

This Act may be cited as the "Heroic Efforts to Rescue Others Act" (HERO Act).

SEC. 232. FINDINGS.

Congress finds that—

(1) existing Occupational Safety and Health Administration regulations require the issuance of a citation to an employer in a circumstance in which an employee of such employer has voluntarily acted in a heroic manner to rescue individuals from imminent harm during work hours;

(2) application of such regulations to employers in such circumstance causes hardships to those employers who are responsible for employees who perform heroic acts to save individuals from imminent harm;

(3) strict application of such regulations in such circumstance penalizes employers as a result of the time lost and legal fees incurred to defend against such citations; and

(4) in order to save employers the cost of unnecessary enforcement an exemption from the issuance of a citation to an employer under certain situations related to such circumstance is appropriate.

SEC. 233. CITATIONS.

Section 9 of the Occupational Safety and Health Act (29 U.S.C. 658) is amended by adding at the end the following new subsection:

"(d)(1) No citation may be issued under this section with respect to a rescue by an employer's employee of an individual in imminent harm unless—

"(A)(i) such employee is designated by the employee's employer for service on a rescue team; and

"(ii) the employer fails to provide protection of the safety and health of such employee, including failing to provide rescue equipment or providing inadequate personal protective equipment;

"(B)(i) such employee is directed by the employee's employer to perform rescue activities in the course of carrying out the employee's job duties; and

"(ii) the employer fails to provide protection of the safety and health of such employee, including failing to provide rescue equipment or providing inadequate personal protective equipment; or

"(C)(i) such employee—

"(I) is employed in a workplace that requires such employee to carry out duties that are directly related to a workplace operation where the likelihood of life-threatening accidents is foreseeable, such as a workplace operation where employees are located in confined spaces or trenches, handle hazardous waste, respond to emergency situations, or perform excavations or construction over water;

"(II) has no occupational responsibility to rescue such an individual; and

"(III) voluntarily elects to rescue such an individual; and

"(ii) the employer fails to provide training to such employee prior to the assignment of such employee to such workplace operation on the recognition of the hazards inherent in a rescue effort and the risks to a potential rescuer who is not trained in rescue operations.

"(2) For purposes of this subsection, the term 'imminent harm' means the existence of any condition or practice that could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated."

Subtitle E—Rural Community Bank Paperwork Relief

SEC. 241. SHORT TITLE.

This subtitle may be cited as the "Rural Community Bank Paperwork Relief Act of 1994".

SEC. 242. SELF-CERTIFICATION.

The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.) is amended by adding at the end the following new section:

"SEC. 809. SELF-CERTIFICATION FOR INSTITUTIONS IN RURAL TOWNS.

"A regulated financial institution shall be exempt from the evaluation and examination requirements of this title if such institution—

"(1) is located in a town, political subdivision, or other unit of general local government that—

"(A) has a population of not more than 20,000 residents, according to the most recent available census data; and

"(B) is not located in a metropolitan statistical area of the United States Department of Commerce, Bureau of the Census;

"(2) has a net loans and leases to deposits ratio of not less than 70 percent of the average institutional ratio of financial institutions of similar size in the same State, as defined by the appropriate Federal financial supervisory agency; and

"(3) certifies that it is effectively meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, as determined in regulations published by each appropriate Federal financial supervisory agency."

SEC. 243. INCREASED INCENTIVES TO LENDING TO LOW- AND MODERATE-INCOME COMMUNITIES.

Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection:

"(c) **CERTAIN RURAL INSTITUTIONS.**—In evaluating a regulated financial institution, the appropriate Federal financial supervisory agency shall give appropriate consideration and weight to the institution's investments in and loans to joint ventures or other entities or projects that provide benefits to distressed communities located within or outside of the service area of the institution (as such terms are defined by the appropriate Federal financial supervisory agency) if such institution—

"(1) is located in a town, political subdivision, or other unit of general local government that is not located in a metropolitan statistical area of the United States Department of Commerce, Bureau of the Census; and

"(2) does not meet the requirements of section 809."

Subtitle F—Reducing the Burden of Federal Paperwork on the Public

SEC. 251. SHORT TITLE.

This subtitle may be cited as the "Paperwork Reduction Act of 1994".

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 252. AUTHORIZATION OF APPROPRIATIONS.

Section 3520(a) of title 44, United States Code, is amended by striking out "\$5,500,000 for each of the fiscal years 1987, 1988, and 1989." and inserting in lieu thereof "\$7,000,000 for fiscal year 1994, \$7,500,000 for fiscal year 1995, \$8,000,000 for fiscal year 1996, \$8,500,000 for fiscal year 1997, and \$9,000,000 for fiscal year 1998."

CHAPTER 2—REDUCING THE BURDEN OF FEDERAL PAPERWORK ON THE PUBLIC

SEC. 255. REEMPHASIZING THE NEED TO REDUCE THE BURDEN OF FEDERAL PAPERWORK ON THE PUBLIC.

Section 3501 of title 44, United States Code, is amended to read as follows:

"§ 3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the Federal paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons;

"(2) minimize the cost to the Federal Government of collecting, maintaining, using, retaining, sharing, and disseminating information;

"(3) maximize the usefulness of information collected, maintained, used, retained and shared by the Federal Government;

"(4) coordinate, integrate and, to the extent practicable and appropriate, make uniform Federal information policies and practices;

"(5) ensure that government information resources management is conducted in an efficient and cost effective manner to—

"(A) improve the quality of decisionmaking and program management and administration;

"(B) improve the quality and timeliness of services delivered to the public;

"(C) increase productivity;

"(D) reduce waste and fraud;

"(E) facilitate the sharing of information;

"(F) ensure the integrity, quality and utility of the Federal statistical system; and

"(G) reduce burden upon the public;

"(6) ensure that the collection, maintenance, use, retention, sharing, and dissemination of information by or for the Federal Government is consistent with applicable laws;

"(7) establish the responsibility and public accountability of Federal agencies for implementing the information collection review process, information resources management, and related policies and guidance established pursuant to this chapter;

"(8) ensure that automatic data processing, telecommunications and other information technologies are acquired and used by the Federal Government in an effective and efficient manner that—

"(A) improves service delivery and program management;

"(B) increases productivity;

"(C) improves the quality of decisionmaking;

"(D) reduces waste and fraud;

"(E) maximizes the return on investment from the application of Government information and information technology resources over their life cycle; and

"(F) wherever practicable and appropriate, reduces the information processing burden

for the Federal Government and for persons who provide information, keep records and otherwise disclose information to and for the Federal Government; and

"(9) strengthen the partnership between the Federal Government with State and local governments by minimizing the burden and maximizing the utility of information collected and shared."

SEC. 256. COVERAGE OF ALL FEDERALLY SPONSORED PAPERWORK BURDENS.

Section 3502 of title 44, United States Code, is amended—

(1) by amending paragraph (3) to read as follows:

"(3) the term 'burden' means the time, effort, financial resources, and opportunity costs imposed on persons to generate, capture, assemble, process, maintain, and report information to or for a Federal agency, including—

"(A) the resources expended for obtaining, reviewing and understanding applicable instructions and requirements;

"(B) developing a way to comply with the applicable instructions and requirements;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching existing data sources;

"(E) obtaining, compiling and maintaining the necessary data;

"(F) implementing recordkeeping requirements;

"(G) completing and reviewing the collection of information;

"(H) retaining, sharing, notifying, reporting, transmitting, labeling, or otherwise disclosing to third parties or the public the information involved; and

"(I) carrying out any other information transaction which occurs as a result of the collection of information;"

(2) in paragraph (4) by striking out "of facts or opinions by" and inserting in lieu thereof "(through maintenance, retention, notifying, reporting, labeling or disclosure to third parties or the public) of facts or opinions by or for"; and

(3) in paragraph (17) by inserting ", including the retention, reporting, notifying, or disclosure to third parties or the public of such records" before the period.

SEC. 257. PAPERWORK REDUCTION GOALS.

Section 3505 of title 44, United States Code, is amended to read as follows:

"§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) set a Governmentwide goal, consistent with improving agency management of the process for the review of each collection of information established under section 3506(e), to reduce by September 30, 1994, the burden of Federal collections of information existing on September 30, 1993, by at least 5 percent;

"(2) for the fiscal year beginning on October 1, 1994, and the following 3 fiscal years, set a Governmentwide goal, consistent with improving agency management of the process for the review of each collection of information established under section 3506(e), to reduce the burden of Federal collections of information existing at the end of the immediately preceding fiscal year by at least 5 percent;

"(3) in establishing the Governmentwide goal pursuant to paragraph (2), establish a goal for each agency that—

"(A) represents the maximum practicable opportunity to reduce the paperwork burden imposed upon the public by such agency's collections of information, after considering

the recommendations of the senior agency official designated under section 3506(b)(1); and

"(B) permits the attainment of the Governmentwide goal when such agency's goal is aggregated with the individual goals of all other agencies included in the Governmentwide goal; and

"(4) in each report issued under section 3514, beginning with the report relating to fiscal year 1994, identify any agency initiatives to reduce the burden of the Federal collections of information associated with—

"(A) businesses, especially small businesses and those engaged in international competition;

"(B) State and local governments; and

"(C) educational institutions."

CHAPTER 3—ENHANCING FEDERAL AGENCY RESPONSIBILITY AND ACCOUNTABILITY FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK

SEC. 261. DESIGNATING AN AGENCY OFFICIAL RESPONSIBLE AND PUBLICLY ACCOUNTABLE FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK.

Section 3506 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Each agency" and inserting in lieu thereof "The head of each agency"; and

(B) by inserting "resources" after "its information";

(2) in subsection (b)—

(A) by inserting "(1)" before "The head of each agency"; and

(B) by adding at the end thereof the following new paragraphs:

"(2) The senior official designated under paragraph (1) shall be the head of an office, established by the head of the agency, responsible for assuring agency compliance with and prompt, efficient, and effective implementation of the information collection review process, information resources management, and related policies and guidance established pursuant to this chapter.

"(3) Staff to such office shall be well qualified through experience or training to carry out the information collection review process, information resources management, and related policies and guidance established under this chapter."; and

(3) in subsection (c)—

(A) by striking out "and" after the semicolon at the end of paragraph (7);

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following new paragraphs:

"(9) prepare estimates of burden that will result from proposed collections of information;

"(10) develop and maintain a strategic Information Resources Management Plan, in accordance with guidance from the Director, for the application of information resources to support the agency's specified mission goals as articulated through its strategic mission planning process;

"(11) establish oversight procedures, in accordance with guidance provided by the Director, to improve the life cycle management of the agency's major information systems; and

"(12) assess the agency's efforts to have program offices manage Government information resources by using performance measures that examine such factors as quality and timeliness of service delivery to the public, productivity of program administration, ability to prevent or reduce fraud, and

the burden of Government's information collection practices on the public."

SEC. 262. AGENCY RESPONSIBILITIES FOR CONTROLLING AND REDUCING THE BURDEN OF FEDERAL PAPERWORK.

Section 3506 of title 44, United States Code (as amended by section 301 of this Act) is further amended by adding at the end thereof the following new subsections:

"(e) The head of each agency, acting through the senior official designated under subsection (b)(1), shall establish an efficient, and effective process for the prompt review of each information collection request before it is submitted to the Director for review and approval under this chapter. At a minimum, this review process shall—

"(1) be sufficiently independent of program responsibilities to evaluate whether each information collection request should be carried out;

"(2) be provided sufficient personnel and other resources to carry out such review responsibility effectively; and

"(3) have authority (independent of agency program officers) to approve, disapprove, and make needed improvements in any agency collection of information.

"(f) Under the process established under subsection (e), the senior official designated under subsection (b)(1) shall certify (and provide a record supporting such certification, including any pertinent public comments received by the agency) to the Director that—

"(1) the collection of information and any applicable instructions and requirements—

"(A) are necessary for the proper performance of the agency's functions and are the least burdensome necessary;

"(B) are not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) have practical utility;

"(D) are written using plain, coherent and unambiguous terminology;

"(E) are to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) are understandable to those who are to respond;

"(G) display on the information collection request, to the extent practicable, the agency estimate of the burden for each response, calculated in accordance with the procedures established by the Director under section 3504(c)(5);

"(H) use information technology to reduce burden and improve agency responsiveness to the public;

"(I) use effective and efficient statistical survey methodology appropriate to the need for which the information is to be collected; and

"(J) explain the need and ultimate use of the information to be collected, and the importance of an accurate and timely response; and

"(2) the agency has taken necessary steps to—

"(A) except as provided in section 3507 (g) and (k), give 60-day notice to, and consult with members of the public and interested agencies, in order to—

"(i) enhance the clarity of the proposed collection of information;

"(ii) solicit comment on the agency estimate of the burden for each response for such collection of information; and

"(iii) minimize the burden of such collection of information on those who are to respond, including the appropriate use of automated collection techniques or other forms of information technology;

"(B) evaluate the proposed collection of information and any applicable instructions and requirements, by developing and conducting—

"(i) an assessment of need;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the practical collection of information;

"(iv) a specific, objectively supported estimation of burden, including each transaction involved; and

"(v) a test of the collection of information through a pilot or prototype program, if appropriate;

"(C) plan and allocate resources for the efficient and effective management and use of the information to be solicited; and

"(D) reduce burdens on businesses (especially small businesses and those engaged in international competition), State and local governments, and educational institutions, through consideration of such alternatives as—

"(i) establishing differing compliance or reporting requirements or timetables in recognition of the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; and

"(iii) an exemption from coverage of the collection of information, or any part thereof."

CHAPTER 4—ENHANCING GOVERNMENT RESPONSIBILITY AND ACCOUNTABILITY FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK

SEC. 271. REEMPHASIZING THE RESPONSIBILITY OF THE DIRECTOR TO CONTROL THE BURDEN OF FEDERAL PAPERWORK.

Section 3504(c) of title 44, United States Code, is amended—

(1) in paragraph (3) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and inserting after subparagraph (A) the following new subparagraph:

"(B) display, to the extent practicable, an estimate of the burden for each response";

(2) by amending paragraphs (5) and (6) to read as follows:

"(5) establishing procedures under which an agency is to estimate the burden under this chapter to comply with the proposed collection of information;

"(6) coordinating with the Office of Federal Procurement Policy to eliminate paperwork burdens associated with procurement and acquisition";

(3) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following new paragraphs:

"(8) minimizing the Federal paperwork burden imposed through Federal collection of information, with particular emphasis on those individuals or entities most adversely affected, including—

"(A) businesses, especially small businesses and those engaged in international competition;

"(B) State and local governments; and

"(C) educational institutions; and

"(9) initiating and conducting, with selected agencies and non-Federal entities on a voluntary basis, pilot projects to test or demonstrate the feasibility and benefit of changes or innovations in Federal policies, rules, regulations, and agency procedures to improve information management practices and related management activities (including authority for the Director to waive the

application of designated agency regulations or administrative directives after giving timely notice to the public and Congress regarding the need for such waiver).

SEC. 272. ENHANCING AGENCY RESPONSIBILITY TO OBTAIN PUBLIC REVIEW OF PROPOSED PAPERWORK BURDENS.

Section 3507(a) of title 44, United States Code, is amended—

(1) in paragraph (2)(B) by inserting "a summary of the request," after "title for the information collection request,";

(2) by striking out "and" at the end of paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

"(3) the agency provides at least 30 days for public comment to the agency and the Office of Management and Budget after publication of the notice in the Federal Register, except as provided under section 3507 (g) and (k), and the agency head and the Director consider comments received regarding the proposed collection of information; and".

SEC. 273. EXPEDITING REVIEW AT THE OFFICE OF MANAGEMENT AND BUDGET.

Section 3507(b) of title 44, United States Code, is amended—

(1) by striking out the first sentence and inserting in lieu thereof "The Director shall within 30 days after publication of the notice under subsection (a)(3) that is applicable to a proposed information collection request not contained in a proposed rule, notify the agency involved of the decision to approve or disapprove the proposed information collection request and shall make such decisions publicly available. Any decision to disapprove an information collection request shall include an explanation of the reasons for such decision.";

(2) by striking out "sixty" each place it appears and inserting "30" in each such place;

(3) by striking out "thirty" and inserting in lieu thereof "30"; and

(4) by striking out "one" and inserting in lieu thereof "1".

SEC. 274. IMPROVING PUBLIC AND AGENCY SCRUTINY OF PAPERWORK BURDENS PROPOSED FOR RENEWAL.

(a) APPROVAL OF INFORMATION COLLECTION REQUEST.—Section 3507(d) of title 44, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end thereof the following:

"(2)(A) If the head of the agency, or the senior official designated under section 3506(b)(1), decides to seek extension of the Director's approval granted for a currently approved information collection request, the agency shall, through the notice prescribed in subsection (a)(2)(B) and such other practicable steps as may be reasonable, seek comment from the agencies, and the public on the continued need for, and burden imposed by, the collection of information.

"(B) The agency, after having made a reasonable effort to seek comment under subparagraph (A), but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved information collection request, shall—

"(i) evaluate the public comments received;

"(ii) conduct the review established under section 3506(e); and

"(iii) provide to the Director the certification required by section 3506(f), including the text of the certification and any additional relevant information regarding how the information collection request comports

with the principles and requirements of this chapter.

"(C) Upon receipt of such certification, and prior to the expiration of the control number for that information collection request, the Director shall—

"(i) ensure that the agency has taken the actions specified under section 3506(f)(2);

"(ii) evaluate the public comments received by the agency or by the Director;

"(iii) determine whether the agency certification complies with the standards under section 3506(f)(1); and

"(iv) approve or disapprove the information collection request under this chapter.

"(3) If a certification is not provided to the Director prior to the beginning of the 60-day period before the expiration of the control number as provided under paragraph (2)(B), the agency shall submit the information collection request for review and approval or disapproval under this chapter.

"(4) An agency may not make a substantive or material modification to an information collection request after it has been approved by the Director, unless the modification has been submitted to the Director for review and approval or disapproval under this chapter."

(b) APPROVAL OF INFORMATION COLLECTION REQUIREMENTS.—Section 3507 of title 44, United States Code, is further amended by adding at the end thereof the following new subsections:

"(1)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required under this chapter.

"(2) Within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments under the standards set forth in section 3508 on the collection of information requirement contained in the proposed rule.

"(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain the reasons such comments were rejected.

"(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if the Director has received notice and failed to comment on the rule within 60 days after the notice of proposed rulemaking.

"(5) No provision in this section shall be construed to prevent the Director, at the discretion of such officer, from—

"(A) disapproving any information collection request which was not specifically required by an agency rule;

"(B) disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) disapproving any collection of information requirement contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that such a collection of information requirement cannot be approved under the standards set forth in section 3508, after reviewing the agency's response to the comments of the Director filed under paragraph (2) of this subsection; or

"(D) disapproving any collection of information requirement, if the Director deter-

mines that the agency has substantially modified, in the final rule, the collection of information requirement contained in the proposed rule and the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information requirement, at least 60 days before the issuance of the final rule.

"(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the reasons for such decision.

"(7) The authority of the Director under this subsection is subject to subsection (c).

"(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(9) The decision of the Director to approve or not to act upon a collection of information requirement contained in an agency rule shall not be subject to judicial review.

"(j)(1) If the head of the agency, or the senior official designated under section 3506(b)(1), decides to seek extension of the Director's approval granted for a currently approved collection of information requirement, the agency shall, through the notice prescribed in subsection (a)(2)(B) and such other practicable steps as may be reasonable, seek comment from the agencies, and the public on the continued need for, and burden imposed by, the collection of information requirement.

"(2) The agency, after having made a reasonable effort to seek comment under paragraph (1), but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information requirement, shall—

"(A) evaluate the public comments received;

"(B) conduct the review established under section 3506(e); and

"(C) provide to the Director the certification required by section 3506(f), including the text of the certification and any additional relevant information regarding how the collection of information requirement comports with the principles and requirements of this chapter.

"(3) Upon receipt of such certification, and prior to the expiration date of the control number for that collection of information requirement, the Director shall—

"(A) ensure that the agency has taken the actions specified in section 3506(f)(2);

"(B) evaluate the public comments received by the agency or by the Director;

"(C) determine whether the agency certification complies with the standards under section 3506(f)(1); and

"(D) approve or disapprove the collection of information requirement under this chapter.

"(4) If under the provisions of paragraph (3), the Director disapproves a collection of information requirement, or recommends or instructs the agency to make a substantive or material change to a collection of information requirement, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information requirement and thereafter to submit the collection of information requirement for approval or disapproval under this chapter.

"(5) Nothing in this subsection affects the review process for a collection of informa-

tion requirement contained in a proposed rule, including a proposed change to an existing collection of information requirement, under subsection (i) with respect to such collection of information requirement.

"(6) The Director may not approve a collection of information requirement for a period in excess of 3 years."

SEC. 275. PROTECTION FOR WHISTLEBLOWERS OF UNAUTHORIZED PAPERWORK BURDEN.

Section 3507(h) of title 44, United States Code, is amended in the second sentence by inserting before the period ", and any communication relating to a collection of information, the disclosure of which could lead to retaliation or discrimination against the communicator".

SEC. 276. ENHANCING PUBLIC PARTICIPATION.

Section 3517 of title 44, United States Code, is amended—

(1) by inserting "(a)" before "In development"; and

(2) by adding at the end thereof:

"(b)(1) Under procedures established by the Director, a person may request the Director to review any collection of information conducted by or for an agency to determine, if—
 "(A) the collection of information is subject to the requirements of this chapter;
 "(B) the collection of information has been approved in conformity with this chapter; and
 "(C) the person that is to respond to the collection of information is entitled to the public protections afforded by this chapter.

"(2) Any review requested under paragraph (1), unless the request is determined frivolous or does not on its face state a valid basis for such review, shall—
 "(A) be completed by the Director within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension;
 "(B)(i) be coordinated with the agency responsible for the collection of information to which the request relates; and
 "(ii) be coordinated with the Administrator for Federal Procurement Policy, if the request relates to a collection of information applicable to an actual or prospective Federal contractor or subcontractor at any tier; and
 "(C) result in a written determination by the Director, that shall be—
 "(i) furnished to the person making the request; and
 "(ii) made available to the public upon request (and listed and summarized in the annual report required under section 3514), unless confidentiality is requested by the person making the request."

SEC. 277. EXPEDITING REVIEW OF AN AGENCY INFORMATION COLLECTION REQUEST WITH A REDUCED BURDEN.

Section 3507 of title 44, United States Code (as amended by section 404(b) of this Act) is further amended by adding at the end thereof the following new subsection:

"(k) Upon request by the head of an agency, the Director shall approve a proposed change to an existing information collection request (unless such proposed change is subject to subsection (i)) within 30 days after the Director receives the proposed change. The information collection request shall thereafter remain in effect at least for the remainder of the period for which it was previously approved by the Director, if—
 "(1) the information collection request has a current control number; and
 "(2) the Director determines that the revision—

"(A) reduces the burden resulting from the information collection request; and
 "(B) does not substantially change the information collection request."

CHAPTER 5—ENHANCING AGENCY RESPONSIBILITY FOR SHARING AND DISSEMINATING PUBLIC INFORMATION

SEC. 281. PRESCRIBING GOVERNMENTWIDE STANDARDS FOR SHARING AND DISSEMINATING PUBLIC INFORMATION.

Section 3504(h) of title 44, United States Code, is amended to read as follows:

"(h) The functions of the Director related to agency dissemination and sharing of public information shall include—

"(1) developing policies and practices for agency dissemination and sharing of public information consistent with the agency responsibilities under section 3506(g); and
 "(2) developing policy guidelines that instruct Federal agencies on ways to fulfill agency responsibilities to disseminate and share information that, to the extent appropriate and practicable—

"(A) make information dissemination products available on timely, equitable and cost effective terms;
 "(B) encourage a diversity of public and private information dissemination products;
 "(C) avoid establishing, or permitting others to establish, exclusive, restricted, or other distribution arrangements that interfere with the availability of information dissemination products on a timely and equitable basis; and
 "(D) avoid establishing restrictions or regulations, including the charging of fees or royalties, on the reuse, resale, or redissemination of Federal information dissemination products by the public; and
 "(E) set user charges for information dissemination products at a level sufficient to recover the cost of dissemination, except—

"(i) where otherwise required by statute;
 "(ii) where the information is collected, processed, and disseminated for the benefit of a specific identifiable group beyond the benefit to the general public; or
 "(iii) where user charges are established at less than cost of dissemination because of a determination that higher charges would interfere with the proper performance of the agency's functions."

SEC. 282. AGENCY RESPONSIBILITIES FOR SHARING AND DISSEMINATING PUBLIC INFORMATION.

Section 3506 of title 44, United States Code (as amended by sections 261 and 262 of this Act) is further amended by adding at the end thereof the following new subsection:

"(g) The head of each agency shall, to the extent appropriate and practicable, and in conformance with the policy guidelines established under section 3504(h), establish and maintain a management system for the dissemination and sharing of information that—

"(1) ensures that the public has timely, equitable and cost effective access to the agency's information dissemination products;
 "(2) disseminates and shares information in a manner that achieves the best balance between maximizing the usefulness of the information and minimizing the cost to the Government and the public;
 "(3) takes advantage of all appropriate channels, Federal and non-Federal, including State and local governments, libraries and private sector entities, in discharging agency responsibilities for the dissemination and sharing of information;
 "(4) considers whether an information dissemination product available from other Federal or non-Federal sources is equivalent

to an agency information dissemination product and reasonably achieves the objectives of the agency;

"(5) establishes and maintains inventories of all agency information dissemination products in conformance with the requirements of section 3511;

"(6) establishes and maintains communications with members of the public and with State and local governments so that the agency shares information and otherwise creates information dissemination products that meet their respective needs; and
 "(7) provides adequate notice when initiating, substantially modifying, or terminating significant information dissemination products."

SEC. 283. AGENCY INFORMATION INVENTORY/LOCATOR SYSTEM.

(a) IN GENERAL.—Section 3511 of title 44, United States Code, is amended to read as follows:

"§ 3511. Inventory systems of information dissemination products

"(a) Each agency having significant information dissemination products shall establish and maintain a comprehensive inventory of such products, which shall include, at a minimum, the title of each such product, an abstract of the contents of each product, the media in which each product is available, and the cost, if any, of each product, subject to any requirements promulgated pursuant to subsection (c).
 "(b) The inventory created pursuant to subsection (a) shall be made available for public access by electronic means, and in such other media as are appropriate and practicable, at no charge to the public.
 "(c) The Director, in consultation with the Secretary of Commerce, the Archivist of the United States, the Public Printer, and the Librarian of Congress, may establish a mechanism for developing technical standards and other minimum requirements for the agency inventory systems created under subsection (a)."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by amending the item relating to section 3511 to read as follows:

"3511. Inventory systems of information dissemination products."

CHAPTER 6—ADDITIONAL GOVERNMENT INFORMATION MANAGEMENT RESPONSIBILITY

SEC. 291. STRENGTHENING THE STATISTICAL POLICY AND COORDINATION FUNCTIONS OF THE DIRECTOR.

Section 3504(d) of title 44, United States Code, is amended to read as follows:

"(d)(1) The statistical policy and coordination functions of the Director shall include—

"(A) coordinating and providing leadership for development of the Federal statistical system;
 "(B) developing and periodically reviewing and, as necessary, revising long-range plans for the improved coordination and performance of the statistical activities and programs of the Federal Government;
 "(C) ensuring the integrity, objectivity, impartiality and confidentiality of the Federal statistical system;
 "(D) reviewing budget proposals of agencies to ensure that the proposals are consistent with such long range plans and developing a summary and analysis of the budget submitted by the President to the Congress for each fiscal year of the allocation for all statistical activities;
 "(E) coordinating, through the review of budget proposals and as otherwise provided

under this chapter, the functions of the Federal Government with respect to gathering, interpreting and sharing statistics and statistical information;

"(F) developing and implementing Governmentwide policies, principles, standards and guidelines concerning statistical collection procedures and methods, statistical data classification, statistical information presentation and sharing, and such statistical data sources as may be required for the administration of Federal programs;

"(G) evaluating statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(H) promoting the timely release by agencies of statistical data to the public;

"(I) coordinating the participation of the United States in international statistical activities;

"(J) preparing an annual report to submit to the Congress on the statistical policy and coordination function;

"(K) integrating the functions described under this paragraph with the other information resources management functions specified under this chapter; and

"(L) appointing a chief statistician who is a trained and experienced professional to carry out the functions described under this paragraph.

"(2) The Director shall establish an interagency working group on statistical policy, consisting of the heads of the agencies with major statistical programs, headed by the chief statistician to coordinate agency activities in carrying out the functions under paragraph (1).

"(3) The Director shall provide opportunities for long term training in the statistical policy functions of the chief statistician to employees of the Federal Government. Each trainee shall be selected at the discretion of the Director based on agency requests and shall serve for at least 6 months and no more than 1 year. All costs of the training are to be paid by the agency requesting training."

SEC. 292. USE OF ELECTRONIC INFORMATION COLLECTION AND DISSEMINATION TECHNIQUES TO REDUCE BURDEN.

Section 3504(g)(1) of title 44, United States Code, is amended—

(1) by inserting "development and" after "overseeing the"; and

(2) by inserting "(including standards that improve the ability of agencies to use technology to reduce burden)" after "establishment of standards".

SEC. 293. AGENCY IMPLEMENTATION.

Section 3514(a) of title 44, United States Code, is amended—

(1) in paragraph (9)(C) by striking out "and" at the end thereof;

(2) in paragraph (10)(C) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(11) a listing of any increase in the burden imposed on the public during the year covered by the report resulting from a collection of information conducted or sponsored by or for an agency, which was imposed by such agency—

"(A) as specifically mandated by the provision of a statute; or

"(B) as necessary to implement a statutory requirement, which requirement shall be identified with particularity; and

"(12) a description of each such agency's efforts in implementing, and plans to implement, the applicable policies, standards and guidelines with respect to the functions under this chapter; and

"(13) a strategic information resources management plan for the Federal Government, developed in consultation with the Administrator of General Services, the Secretary of Commerce, and the Archivist of the United States, that includes an analysis of cross-cutting issues of Governmentwide importance."

SEC. 294. AUTOMATIC DATA PROCESSING EQUIPMENT PLAN.

Section 3504(g) of title 44, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) developing and annually revising, in consultation with the Administrator of General Services, a 5-year plan for meeting the automatic data processing equipment (including telecommunications) and other information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759) and the purposes of this chapter;"

SEC. 295. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 3502(10) of title 44, United States Code, is amended by striking out "the Federal Housing Finance Board" and inserting in lieu thereof "Federal Housing Finance Board".

(b) REVIEW PERIODS.—Section 3507(g)(1) of title 44, United States Code, is amended to read as follows: "(1) is needed prior to the expiration of the time periods for public notice and review by the Director pursuant to the requirements of this chapter."

(c) DIRECTOR REVIEW.—Section 3513(a) of title 44, United States Code, is amended in the first sentence by inserting "resources" after "information".

(d) RESPONSIVENESS.—Section 3514(a) of title 44, United States Code, is amended—

(1) in paragraph (9)(A) by inserting "and" at the end thereof;

(2) in paragraph (9)(B) by striking out the semicolon and inserting a period; and

(3) by striking out paragraph (9)(C).

CHAPTER 7—EFFECTIVE DATES

SEC. 296. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this title shall become effective 120 days after the date of the enactment of this Act.

(b) IN PARTICULAR.—Section 252 shall become effective upon the date of the enactment of this Act.

TITLE III—FINANCIAL INSTITUTIONS REGULATORY RELIEF REDUCING THE BURDEN OF CERTAIN REGULATIONS ON FINANCIAL INSTITUTIONS

Subtitle A—Regulatory Impact on Credit Availability

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. REGULATION OF REAL ESTATE LENDING.

Subsection (o) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(o)) (as added by section 304 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended—

(a) by redesignating paragraph (4) as paragraph (5); and

(b) by inserting new paragraph (4) as follows:

"(4) CONSIDERATION OF PARTICULAR IMPACT.—In prescribing standards under paragraph (1), the appropriate Federal banking agencies shall, consistent with safety and soundness,—

"(A) consider the impact that such standards have on the availability of credit for small business, residential, and agricultural purposes, and on low- and moderate-income communities; and

"(B) minimize the negative impact that these standards have on the availability of credit for such purposes and in such areas".

SEC. 302. REAL ESTATE APPRAISAL AMENDMENT.

Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended—

(a) by redesignating subsections (b), (c), (d) and (e) as subsections (c), (d), (e) and (f) respectively;

(b) by adding the following new subsection (b):

"(b) RECIPROCITY.—The Appraisal Subcommittee shall encourage the States to develop reciprocity agreements among themselves so as to readily authorize appraisers licensed or certified in one State and in good standing with their State appraiser certifying or licensing agency to perform appraisals in another State or States as though they were licensed or certified in that State or States."; and

(c) by adding at the end of subsection (a)(3) the following new sentence: "A State appraiser certifying or licensing agency shall not impose excessive fees of burdensome requirements for temporary practice under this subsection, as determined by the Appraisal Subcommittee."

SEC. 303. PUBLIC DEPOSITS.

Section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)) is amended—

(a) by inserting "(1) IN GENERAL.—" before "No agreement which tends";

(b) by redesignating paragraphs (1), (2), (3) and (4) as subparagraphs (A), (B), (C) and (D) respectively; and

(c) by inserting the following new paragraph (2):

"(2) EXCEPTION.—This subsection shall not apply to any agreement permitting or affecting the deposit custody or collateralization of funds of any public entity."

CHAPTER 2—IMPACT OF ACCOUNTING AND CAPITAL ISSUES ON CREDIT AVAILABILITY

SEC. 311. AUDIT COSTS.

(a) IN GENERAL.—Section 36 of the Federal Deposit Insurance Act (12 U.S.C. 1831m) (as added by section 112 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended—

(1) AUDITOR ATTESTATIONS.—

(A) in subsection (a)(2)(A)(ii), by striking "subsections (c) and (d)" and inserting "subsection (c)";

(B) by striking subsection (c);

(C) in subsection (d), by deleting "(d)" and inserting "(c)"; and

(D) by striking subsection (e);

(2) DUPLICATIVE REPORTING.—in subsection (i), by striking "if—(1) services and functions" and all that follows through "or the appropriate Federal banking agency." and inserting "if services and functions comparable to those required under this section are provided at the holding company level.";

(3) INDEPENDENT AUDIT COMMITTEES.—

(A) in subsection (g)(1)(A), by striking "entirely" and inserting "the majority of which is";

(B) in subsection (g)(1)(C),

(i) by inserting "and" after the semicolon in clause (i), and by striking "; and" in clause (ii) and inserting "and"; and

(ii) by striking clause (iii);

(C) in subsection (g)(1), by inserting the following new subparagraph:

"(D) EXEMPTIVE AUTHORITY.—each appropriate Federal banking agency shall, by regulation, exempt from the requirements of this subsection all insured depository institutions which face hardships in retaining competent directors on their internal audit committees as a result of this subsection. In determining what types of institutions will be exempted, the agency shall consider such factors as the size of the institution and the availability of competent outside directors in the community."; and

(4) PUBLIC AVAILABILITY.—in subsection (a)(3), by inserting at the end the following new sentence—"Notwithstanding the previous sentence, the Corporation and the appropriate Federal banking agencies may designate certain information as privileged and confidential and not available to the public.".

(5) QUARTERLY REPORTS.—in subsection (g)(2), by inserting the following new subparagraph (D)—

"(D) NOTICE TO INSTITUTION.—Upon determining that an institution's quarterly reports shall be subject to the requirements of subparagraph (A), the Corporation shall promptly provide the institution with written notice of such determination.".

(6) by redesignating subsections (f) through (j) as subsections (d) through (h), respectively.

(b) EFFECTIVE DATE.—Section 112(b) of the Federal Deposit Insurance Corporation Improvement Act of 1991 is amended by striking "December 31, 1992" and inserting "December 31, 1993".

SEC. 312. RECOURSE AGREEMENTS.

Section 37(b) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(b)) (as added by section 121 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended by adding at the end the following new paragraph (3):

"(3) RECOURSE AGREEMENTS.—Each appropriate Federal banking agency shall require insured depository institutions to use accounting principles consistent with generally accepted accounting principles in determining, for purposes of compliance with statutory or regulatory requirements, the capital required to be held against loans sold with recourse.".

SEC. 313. MARKET VALUE ACCOUNTING.

Section 37(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(a)(3)) (as added by section 121 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended by striking subparagraph (D).

SEC. 314. REPORT ON CAPITAL STANDARDS AND THEIR IMPACT ON THE ECONOMY.

(a) STUDY.—No later than 90 days after enactment of this Act, the Department of the Treasury, after consultation with the Federal banking agencies, shall report to the House and Senate Banking Committees on the effect that the implementation of risk based capital standards, including the Basle international capital standards, is having on—

- (1) the safety and soundness of insured depository institutions; and
- (2) the availability of credit, particularly to consumers and small businesses.

The report shall contain any recommendations with respect to capital standards that the Department of the Treasury may wish to provide.

(b) DEFINITION.—For purposes of this section, the terms "Federal banking agency" and "insured depository institution" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

SEC. 315. MINIMIZE POTENTIAL IMPACT OF CAPITAL STANDARDS ON CREDIT AVAILABILITY.

Section 305 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1828 note) is amended—

(a) in subsection (b)(1)(A)—
(1) by striking clauses (ii) and (iii);
(2) by striking "(A) take adequate account of—(i) interest-rate risk" and inserting "(A) take adequate account of interest-rate risk; and";

(b) by striking paragraph (3) in subsection (b) and inserting the following new paragraph (3):

"(3) TIMING FOR PRESCRIBING REVISED STANDARDS.—

"(A) INTEREST RATE RISK.—No appropriate Federal banking agency shall prescribe final regulations in the Federal Register to implement subparagraph (A) of paragraph (1) of this subsection prior to—

"(i) the implementation of similar standards at an international level; and

"(ii) the establishment of reasonable transition rules, subsequent to the occurrence specified in clause (i), to facilitate compliance with those regulations.

"(B) MULTIFAMILY MORTGAGES.—Each appropriate Federal banking agency shall—

"(i) publish final regulations in the Federal Register to implement paragraph (1)(B) not later than 18 months after date of enactment of this Act; and

"(ii) establish reasonable transition rules to facilitate compliance with those regulations.".

CHAPTER 3—DISINCENTIVES TO RISK-TAKING

SEC. 321. DUE PROCESS PROTECTIONS.

(a) ATTACHMENT OF ASSETS.—

(1) INSURED DEPOSITORY INSTITUTIONS.—

(A) Section 11(d)(19) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(19)) is amended—

(i) in subparagraph (A), by striking "without regard" and all that follows through "immediate";

(ii) in subparagraph (B), by striking "(as modified with respect to such proceeding by subparagraph (A))".

(B) Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended by redesignating subsection (b)(6)(F) as subsection (b)(6)(G), and inserting after subsection (b)(6)(E) the following:

"(F) prohibit such person from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property where injury, loss, or damage to such property is irreparable and immediate; and".

(C) Section 8(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)) is amended by striking paragraph (4)(B) and inserting the following:

"(B) STANDARD.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under this paragraph.".

(2) CREDIT UNIONS.—

(A) Section 207(b)(2)(H) of the Federal Credit Union Act (12 U.S.C. 1787(b)(2)(H)) is amended—

(i) in clause (i), by striking "without regard" and all that follows through "immediate"; and

(ii) in clause (ii), by striking "(as modified with respect to such proceeding by clause (i))".

(B) Section 206(e)(3) of the Federal Credit Union Act (12 U.S.C. 1786(e)(3)) is amended by redesignating subsection (e)(3)(F) as subsection (e)(3)(G), and inserting after subsection (e)(3)(E) the following:

"(F) prohibit such person from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property where injury, loss, or damage to such property is irreparable and immediate; and".

(b) STRICT LIABILITY.—Section 18(j)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(4)(A)) is amended by inserting "negligently" after "who," each time it appears.

SEC. 322. CULPABILITY STANDARDS IN PENALTY PROVISIONS.

(a) GENERAL PROVISIONS.—

(1) INSURED DEPOSITORY INSTITUTIONS.—Section 8(i)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(2)) is amended—

(A) in subparagraph (A)(i), by inserting "negligently" after "(i)"; and

(B) in subparagraph (B)(i)(I), by inserting "recklessly" after "(i)(I)".

(2) CREDIT UNIONS.—Section 206(k)(2) of the Federal Credit Union Act (12 U.S.C. 1786(k)(2)) is amended—

(A) in subparagraph (A)(i), by inserting "negligently" after "(i)"; and

(B) in subparagraph (B)(i)(I), by inserting "recklessly" after "(i)(I)".

(b) NONMEMBER INSURED BANKS AND SAVINGS ASSOCIATIONS.—Section 18(j)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(4)) (as amended by section 321(b) of this Act) is amended in subparagraph (B), by inserting "recklessly" after "(i)(I)".

(c) CHANGE IN CONTROL OF DEPOSITORY INSTITUTIONS.—Section 7(j)(16) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(16)) is amended—

(1) in subparagraph (A), by inserting "negligently" after "Any person who"; and

(2) in subparagraph (B), by inserting "recklessly" after "(i)(I)".

(d) NATIONAL BANKS.—Section 5239(b) of the Revised Statutes (12 U.S.C. 93(b)) is amended—

(1) in paragraph (1), by inserting "negligently" after "who,"; and

(2) in paragraph (2)(A)(i), by inserting "recklessly" after "(A)(i)".

(e) MEMBER BANKS.—Section 29(a) of the Federal Reserve Act (12 U.S.C. 504(a)) is amended—

(1) in subsection (a), by inserting "negligently" after "who,"; and

(2) in subsection (b)(1)(A), by inserting "recklessly" after "(1)(A)".

(f) MEMBER BANKS.—Section 19(1) of the Federal Reserve Act (12 U.S.C. 505(1)) is amended—

(1) in paragraph (1), by inserting "negligently" after "who,"; and

(2) in paragraph (2)(A)(1), by inserting "recklessly" after "(A)(1)".

(g) BANKS.—Section 106(b)(2)(F) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)(F)) is amended—

(1) in clause (i), by inserting "negligently" after "who,"; and

(2) in clause (ii)(I)(aa), by inserting "recklessly" after "(I)(aa)".

SEC. 323. DIRECTOR AND OFFICER LIABILITY ACTIONS.

Section 11(k) of the Federal Deposit Insurance Act (12 U.S.C. 1821(k)) is amended by deleting the last sentence.

CHAPTER 4—MISCELLANEOUS CREDIT AVAILABILITY PROVISIONS

SEC. 331. REGULATORY APPEALS PROCESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, each appropriate Federal banking agency and the National Credit Union Administration shall establish an independent appellate process within its agency responsible for reviewing material supervisory determinations made at insured depository institutions or credit unions that it supervises.

(b) **REVIEW PROCESS.**—In establishing this independent appellate process, each agency shall ensure—

(1) that any appeal of a supervisory determination from any insured depository institution or credit union, or any officer, director, employee or other representative of any insured depository institution or credit union, be heard and decided expeditiously;

(2) that appropriate safeguards exist for protecting the appellant from retaliation by agency examiners; and

(3) that the ruling agency officer have the authority, where appropriate and as justice so requires, to stay the supervisory determination pending completion of the appellate process.

(c) **COMMENT PERIOD.**—Each agency shall provide public notice and opportunity for comment on proposed guidelines for an appellate process not later than 90 days after enactment of this Act.

(d) **DEFINITIONS.**—For purposes of this section—

(1) the term "agency" shall refer to the appropriate Federal banking agency and the National Credit Union Administration;

(2) the terms "insured depository institution" and appropriate Federal banking agency" have the same meanings as in section 3 of the Federal Deposit Insurance Act; and

(3) the term "material supervisory determination" includes determinations relating to exam ratings, the adequacy of loan loss reserve provisions, and loan classifications on loans significant to the institution.

SEC. 332. AGGREGATE LIMITS ON INSIDER LENDING.

Section 22(h)(5) of the Federal Reserve Act (12 U.S.C. 375b(5)) (as amended by section 306 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended—

(a) by redesignating subparagraph (C) as subparagraph (D);

(b) by inserting the following new subparagraph (C):

"(C) **SMALL BANK EXCEPTION.**—Notwithstanding subparagraph (A), member banks with less than \$100,000,000 in deposits may make such extensions of credit in the aggregate to persons specified in subparagraph (A) in an amount not to exceed 2 times the bank's unimpaired capital and unimpaired surplus.";

(c) in subparagraph (D), as redesignated, by striking "less than \$100,000,000" and inserting "between \$100,000,000 and \$250,000,000".

SEC. 333. STERILE RESERVES STUDIES.

(a) **FEDERAL RESERVE STUDY.**—No later than 90 days after enactment of this Act, the Board of Governors of the Federal Reserve System, in consultation with the Federal Deposit Insurance Corporation, shall study and report to Congress on—

(1) the necessity, for monetary policy purposes, of continuing to require insured depository institutions to maintain sterile reserves;

(2) the appropriateness of paying insured depository institutions with a market rate of interest on sterile reserves, or in the alternative, providing payment of this interest into the appropriate deposit insurance fund;

(3) the monetary impact that the failure to pay interest on sterile reserves has had on insured depository institutions, including an estimate of the total dollar amount of interest and potential income lost by insured depository institutions; and

(4) the impact that failure to pay interest on sterile reserves has had on the ability of the banking industry to compete with non-banking providers of financial services and with foreign banks.

(b) **BUDGETARY IMPACT STUDY.**—No later than 90 days after enactment of this Act, the Office of Management and Budget and the Congressional Budget Office, in consultation with the Senate and House Committees on the Budget, shall jointly study and report to Congress on the budgetary impact of—

(1) paying insured depository institutions a market rate of interest on sterile reserves; and

(2) paying such interest into the respective deposit insurance funds.

(c) **DEFINITION.**—For purposes of this section, the term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

SEC. 334. CREDIT CARD ACCOUNTS RECEIVABLE SALES.

Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended by adding at the end the following new paragraphs:

"(14) **SELLING CREDIT CARD ACCOUNTS RECEIVABLE.**—

"(A) **NOTIFICATION REQUIRED.**—An undercapitalized insured depository institution (as defined in section 38) shall notify the Corporation in writing before entering into an agreement to sell credit card accounts receivable.

"(B) **WAIVER BY CORPORATION.**—The Corporation may at any time, in its sole discretion and upon such terms as it may prescribe, waive its right to repudiate an agreement to sell credit card accounts receivable if the Corporation—

"(i) determines that the waiver is in the best interests of the deposit insurance fund; and

"(ii) provides a written waiver to the selling institution.

"(C) **EFFECT OF WAIVER ON SUCCESSORS.**—

"(i) **IN GENERAL.**—If, under subparagraph (B), the Corporation has waived its right to repudiate an agreement to sell credit card accounts receivable—

"(I) any provision of the agreement that restricts solicitation of a credit card customer of the selling institution, or the use of a credit card customer list of the institution, shall bind any receiver or conservator of the institution; and

"(II) the Corporation shall require any acquirer of the selling institution, or of substantially all of the selling institution's assets or liabilities, to agree to be bound by a provision described in subclause (I) as if the acquirer were the selling institution.

"(ii) **EXCEPTION.**—Clause (i)(II) does not—

"(I) restrict the acquirer's authority to offer any product or service to any person identified without using a list of the selling institution's customers in violation of the agreement;

"(II) require the acquirer to restrict any preexisting relationship between the acquirer and a customer; or

"(III) apply to any transaction in which the acquirer acquires only insured deposits.

"(D) **WAIVER NOT ACTIONABLE.**—The Corporation shall not, in any capacity, be liable to any person for damages resulting from waiving or failing to waive the Corporation's right under this section to repudiate any contract or lease, including an agreement to sell credit card accounts receivable. No court shall issue any order affecting any such waiver or failure to waive.

"(E) **OTHER AUTHORITY NOT AFFECTED.**—This paragraph does not limit any other authority of the Corporation to waive the Corporation's right to repudiate an agreement or lease under this section.

"(15) **CERTAIN CREDIT CARD CUSTOMER LISTS PROTECTED.**—

"(A) **IN GENERAL.**—If any insured depository institution sells credit card accounts receivable under an agreement negotiated at arm's length that provides for the sale of the institution's credit card customer list, the Corporation shall prohibit any party to a transaction with respect to the institution under this section or section 13 from using the list except as permitted under the agreement.

"(B) **FRAUDULENT TRANSACTIONS EXCLUDED.**—Subparagraph (A) does not limit the Corporation's authority to repudiate any agreement entered into with the intent to hinder, delay, or defraud the institution, the institution's creditors, or the Corporation."

SEC. 335. CHANGES TO THE FEDERAL HOME LOAN BANK ACT TO PROMOTE CREDIT AVAILABILITY.

(a) Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating subparagraphs (4) and (5) as subparagraphs (5) and (6), respectively;

(2) in newly redesignated subparagraph (5) (as redesignated by subsection (a)(1) of this section), by inserting "nonresidential" after the first "Other";

(3) by inserting new subparagraph (4) as follows:

"(4) Other residential real estate-related collateral acceptable to the Bank.";

(4) in newly redesignated subparagraph (6) (as redesignated by subsection (a)(1) of this section), by striking "(4)" and inserting "(5)".

(b) Section 11(h) of the Federal Home Loan Bank Act (12 U.S.C. 1431(h)) is amended by inserting after "Federal Home Loan Bank System," the following clause: "the purchase of participating interests in residential construction loans that are originated by member institutions and that comply with uniform Federal regulations on real estate lending standards under subsection (e) of section 1828 of title 12 of the United States Code, the authority to enhance the credit quality of any such participation interests in residential construction loans that the Banks resell."

Subtitle B—Regulatory Micromanagement

SEC. 341. REGULATORY STANDARDS.

Section 39 of the Federal Deposit Insurance Act (12 U.S.C. 1831s) (as added by section 132 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is hereby repealed.

SEC. 342. PAPERWORK REDUCTION REVIEW.

Not later than 180 days after the date of enactment of this Act, each appropriate Federal banking agency, in consultation with insured depository institutions and other interested parties, shall—

(a) review the extent to which current regulations require insured depository institutions to produce unnecessary internal written policies; and

(b) eliminate such requirements, where appropriate.

For purposes of this section, the terms "insured depository institution" and "appropriate Federal banking agency" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

SEC. 343. RULES ON DEPOSIT TAKING.

Section 29(g)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831f(g)(3)) is amended—

(1) by inserting "undercapitalized" after "includes any"; and

(2) by inserting "undercapitalized" after "employee of any".

SEC. 344. ADEQUATE TRANSITION PERIOD FOR NEW REGULATIONS.

(a) **ADEQUATE TRANSITION PERIOD FOR NEW REGULATIONS.**—No new regulation issued by

a Federal banking agency which imposes additional reporting, disclosure or other requirements on insured depository institutions shall be effective prior to 180 days from the date that that regulation becomes final unless—

(1) the agency makes a finding that an emergency exists which requires sooner action; or

(2) explicitly directed by Congress.

(b) DEFINITION.—For purposes of this section, the terms "Federal banking agency" and "insured depository institution" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

Subtitle C—Unnecessary Cost, Paperwork and Regulation

CHAPTER 1—GENERAL PROVISIONS

SEC. 351. ANNUAL EXAMINATIONS.

(a) IN GENERAL.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) (as amended by section 111 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended—

(1) SMALL INSTITUTION TREATMENT.—In subsection (d), delete paragraph (4) and insert the following new paragraph:

"(4) 2-YEAR RULE FOR CERTAIN SMALL INSTITUTIONS.—Paragraphs (1), (2), and (3) shall apply with '24-month' substituted for '12-month' if—

"(A) the insured depository institution has total assets of less than \$250,000,000;

"(B) the institution is well capitalized, as defined in section 38;

"(C) when the institution was most recently examined, it was found to be well managed, had solid earnings, had been profitable for the previous 2 years, and its composite condition was found to be good;

"(D) the insured depository institution is not currently subject to a formal enforcement order by the appropriate Federal banking agency; and

"(E) no person acquired control of the institution during the 12-month period in which a full-scope, on-site examination would be required but for this paragraph.

"The dollar amount in the preceding sentence shall be adjusted annually after December 31, 1992, by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics."

(2) STATE EXAMINATIONS.—In subsection (d), delete paragraph (3) and insert the following new paragraph:

"(3) STATE EXAMINATIONS ACCEPTABLE.—The examination requirement established under paragraph (1) may be satisfied by an examination of the insured depository institution conducted by the state during the 12-month period if the appropriate Federal banking agency determines that the state examination carries out the purposes of this subsection."

(3) CERTAIN DEPOSITORY INSTITUTIONS WITHIN HOLDING COMPANIES.—At the end of subsection (d), add the following new paragraph:

"(7) CERTAIN INSTITUTIONS WITHIN DEPOSITORY INSTITUTION HOLDING COMPANIES.—The appropriate Federal banking agency may exempt any insured depository institution owned or controlled by a depository institution holding company from the requirements of this subsection where—

"(A) the agency is satisfied that adequate internal controls and examination procedures exist within the holding company structure; or

"(B) the insured depository institutions owned or controlled by the depository institution holding company which hold a sub-

stantial majority of the total assets of all insured depository institution assets owned or controlled by the depository institution holding company have been examined pursuant to the requirements of this subsection."

SEC. 352. COORDINATED EXAMINATIONS.

(a) COORDINATED STATE AND FEDERAL EXAMINATIONS.—Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) (as amended by section 351 of this Act) is amended by inserting after paragraph (7) the following new paragraph:

"(8) COORDINATED EXAMINATIONS.—Each appropriate Federal banking agency shall, to the extent practicable—

"(A) coordinate all examinations to be conducted by that agency at an insured depository institution; and

"(B) work with other appropriate Federal banking agencies and appropriate State bank supervisors to coordinate examinations to be conducted at an insured depository institution;

so as to minimize the disruptive effects of such examinations on institution operations."

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(r) of the Federal Deposit Insurance Act (12 U.S.C. 1813 (r)) is amended to read as follows:

"(r) APPROPRIATE STATE BANK SUPERVISOR.—The term 'appropriate State bank supervisor' means any officer, agency, or other entity of any State which has primary regulatory authority over State banks or State savings associations in such State."

SEC. 353. DIFFERENCES IN ACCOUNTING PRINCIPLES.

Section 37(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831(a)(2)) (as added by section 121 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended by adding the following new subparagraph (C)—

"(C) MINIMIZE DIFFERENCES.—Notwithstanding subparagraph (B), each appropriate Federal banking agency and the Corporation shall require insured depository institutions to use accounting principles consistent with generally accepted accounting principles to the extent practicable so as to minimize differences between statements and reports, and thereby reduce the compliance burdens and costs on insured depository institutions."

SEC. 354. REDUCTION OF CALL REPORT BURDENS.

(a) REGULATORY REVIEW OF CALL REPORT BURDENS.—

(1) IN GENERAL.—Within 60 days after the date of enactment of this Act, each appropriate Federal banking agency shall review the regulatory burden and costs incurred by insured depository institutions during their preparation of reports of condition.

(2) FACTORS TO BE CONSIDERED.—In conducting its review, each agency shall consider all relevant factors that it deems necessary to correctly determine the extent of the burden and costs, including—

(A) the actual dollar cost to financial institutions in preparing such reports;

(B) the time and resources expended to meet regulatory directives;

(C) the frequency in which the agency has modified the type(s) of information required to be reported in such reports and the costs and burdens associated with complying with such modifications; and

(D) the extent to which such costs and burdens, viewed within the overall context of the total regulatory burden and cost incurred by insured depository institutions in their day-to-day operations, impact upon the availability of credit.

(3) CORRECTIVE MEASURES.—After conducting its review, each appropriate Federal banking agency shall revise its call report requirements to remove any unnecessary burdens and costs. Prior to any subsequent modification in call report requirements, each agency shall consider the extent to which such modifications impose unnecessary regulatory burdens and costs upon insured depository institutions.

(4) DEFINITIONS.—For purposes of this section, the terms "insured depository institution" and "appropriate Federal banking agency" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

(b) REPEAL OF PUBLICATION REQUIREMENTS.—

(1) The fifth sentence of section 521(a) of the Revised Statutes (12 U.S.C. 161(a)) is amended by striking "; and the statement of resources and liabilities in the same form in which it is made to the comptroller shall be published in a newspaper" and all that follows through the period and inserting a period.

(2) Section 521(c) of the Revised Statutes (12 U.S.C. 161(c)) is amended by striking the fourth sentence.

(3) Section 7(a)(1) of the Federal Deposit Insurance Act is amended by striking the fourth sentence.

(4) The last sentence of the sixth undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 324) is amended by striking "and shall be published" and all that follows through the end of the sentence and inserting a period.

(c) AMENDMENT RELATING TO NATIONAL BANKS.—Section 521(a) of the Revised Statutes (12 U.S.C. 161(a)) is amended by adding at the end the following sentence: "Any change in the form of report of condition made under this subsection shall be effective only once in a particular calendar year, and only after at least 6 months from the date that notice of the change is published in the Federal Register, except that such change may be effective on a subsequent date or after less notice if the Comptroller makes a specific finding that an additional change in the form or a shorter advance-notice period is necessary because of an emergency or change in Federal law."

(d) AMENDMENT RELATING TO STATE NON-MEMBER INSURED BANKS.—Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding at the end the following new paragraph:

"(10) TRANSITION PERIOD FOR CHANGES IN REPORT REQUIREMENTS.—Any change in the form of reports of condition made under this subsection shall be effective only once in a particular calendar year, and only after at least 6 months from the date that notice of the change is published in the Federal Register, except that such a change may be effective on a subsequent date or after less notice if the Board of Directors makes a specific finding that an additional change in the form or a shorter advance-notice period is necessary because of an emergency or change in Federal law."

(e) AMENDMENT RELATING TO STATE MEMBER BANKS.—The sixth undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 324) is amended by adding at the end the following sentence: "Any change in the form of report of condition made under this subsection shall be effective only once in a particular calendar year, and only after at least 6 months from the date that notice of the change is published in the Federal Register, except that such a change may be effective on a subsequent date or after less

notice if the Board of Governors of the Federal Reserve System makes a specific finding that an additional change in the form or a shorter advance-notice period is necessary because of an emergency or change in Federal law."

(f) AMENDMENT RELATING TO SAVINGS ASSOCIATION.—Section 5(v) of the Home Owners' Loan Act (12 U.S.C. 1464(v)) is amended by adding at the end the following new paragraph:

"(9) TRANSITION PERIOD FOR CHANGES IN REPORT REQUIREMENTS.—Any change in the form of reports of condition made under this subsection shall be effective only once in a particular calendar year, and only after at least 6 months from the date that notice of the change is published in the Federal Register, except that such a change may be effective on a subsequent date or after less notice if the Director makes a specific finding that an additional change in the form or a shorter advance-notice period is necessary because of an emergency or change in Federal law."

(g) AMENDMENT RELATING TO CREDIT UNIONS.—Section 202(a)(1) of the Federal Credit Union Act (12 U.S.C. 1782(a)(1)) is amended by adding at the end the following sentence: "Any change in the form of reports of condition made under this subsection shall be effective only once in a particular calendar year, and only after at least 6 months from the date that notice of the change is published in the Federal Register, except that such a change may be effective on a subsequent date or after less notice if the Board makes a specific finding that an additional change in the form or a shorter advance-notice period is necessary because of an emergency or change in Federal law."

SEC. 355. REGULATORY REVIEW OF CAPITAL COMPLIANCE BURDEN.

Not later than 180 days after the date of enactment of this Act, the Federal Financial Institutions Examination Council, in consultation with insured depository institutions and other interested parties, shall—

(a) review the extent to which current compliance requirements associated with risk-based capital rules have an unnecessarily costly and burdensome effect on community banks; and

(b) where appropriate, reduce such costs and burdens.

For purposes of this section, the term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

SEC. 356. BRANCH CLOSURES.

Section 39 of the Federal Deposit Insurance Act (12 U.S.C. 1831p) (as added by section 228 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended by adding at the end the following new subsections:

"(d) DEFINITIONS.—For purposes of this section, the term "branch" shall not include:

"(1) automated teller machines;

"(2) a branch acquired through merger, consolidation, purchase, assumption or other method that is located in a local market area currently served by another branch of the acquiring institution;

"(3) a branch that is closed and reopened in another location within the same local market area which would continue to provide banking services to substantially all of the customers currently served by the branch that is closed;

"(4) a branch that is closed in connection with—

"(A) an emergency acquisition under—

"(i) section 11(n); or

"(ii) subsections (f) or (k) of section 13;

"(B) any assistance provided by the Corporation under section 13(c); and

"(5) any other branch closure whose exemption from the notice requirements of this section would not produce a result inconsistent with the purposes of this section. The appropriate Federal banking agency shall, by regulation, determine the circumstances under which such exemptions will be granted.

"(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on the date of enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991."

SEC. 357. BANK SECRECY ACT AMENDMENTS.

(a) STAFF COMMENTARIES.—Title 31 of the United States Code is amended to add the following new section 5327:

"SEC. 5327. STAFF COMMENTARIES.

"The Secretary of the Treasury shall review all regulations promulgated under this title on an annual basis and seek comment from the public pursuant to this review. The Secretary shall publish all written rulings interpreting this title, as well as a staff commentary to the regulations issued under this title. This commentary shall be issued on an annual basis."

(b) LOG REQUIREMENTS.—Section 5325(a)(1) of title 31 of the United States Code is amended—

(1) by striking subparagraphs (A) and (B); and

(2) by inserting the following new paragraph (1):

"(1) the individual has a transaction account with such financial institution and the financial institution verifies that fact through a signature card or other information maintained by such institution in connection with the account of such individual."

(c) EXEMPTION PROCESS.—Section 5318(a)(5) of title 31 of the United States Code is amended—

(1) by inserting "or exception" after "an appropriate exemption"; and

(2) by inserting "only after receiving comments from the entities covered by this chapter. The Secretary must take into account the effect that changes to the exemption or exception process will have on the cost and efficiency of the reporting process." after the words "under this subchapter".

(d) CUSTOMER FILINGS.—Section 5313(a) of title 31 of the United States Code is amended by striking ", the institution and any other participant in the transaction the Secretary may prescribe shall file a report" and inserting "the person who participates in the transaction shall file a report".

(e) INFLATION ADJUSTMENTS ON CTR AMOUNTS.—Section 5313(a) of title 31 of the United States Code is amended by inserting after the second sentence the following new sentence: "The Secretary must review the reporting requirements mentioned above by September 1 of each calendar year to determine if the reporting amount prescribed by the Secretary should be adjusted to account for inflation, cost effectiveness of the requirement or the usefulness for law enforcement purposes. The Secretary must submit a written report to the Congress each year disclosing how the reporting threshold decision was reached. The report must include an analysis of how the change will affect domestic financial institutions."

SEC. 358. CLARIFYING AMENDMENTS.

(a) DATA COLLECTIONS.—Section 7(a)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(8)) (as amended by section 141(c) of the Federal Deposit Insurance Corporation

Improvement Act of 1991) is amended to add at the end the following new sentence: "In prescribing reporting and other requirements pursuant to this paragraph, the Corporation shall minimize the regulatory burden imposed upon insured depository institutions."

SEC. 359. LIMITING POTENTIAL LIABILITY ON FOREIGN ACCOUNTS.

(a) AMENDMENT TO THE FEDERAL RESERVE ACT.—Section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.) is amended by adding at the end the following:

"11. LIMITATIONS ON LIABILITY.—

"A member bank shall not be required to repay any deposit made at a foreign branch of the bank if the branch cannot repay the deposit due to—

"(i) an act of war, insurrection or civil strife, or

"(ii) an action by a foreign government or instrumentality (whether de jure or de facto) in the country in which the branch is located,

unless the member bank has expressly agreed in writing to repay the deposit under those circumstances. The Board is authorized to prescribe such regulations as it deems necessary to implement this paragraph."

(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—

(1) Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

"() SOVEREIGN RISK.—Section 25(11) of the Federal Reserve Act shall apply to every nonmember insured bank in the same manner and to the same extent as if the nonmember insured bank were a member bank."

"(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 3(1)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(1)(5)) is amended to read as follows:

"(A) any obligation of a depository institution which is carried on the books and records of an office of such bank or savings association located outside of any State unless—

"(i) such obligation would be a deposit if it were carried on the books and records of the depository institution, and payable at, an office located in any State; and

"(ii) the contract evidencing the obligation provides by express terms, and not by implication, for payment at an office of the depository institution located in any State; and".

(c) EXISTING CLAIMS NOT AFFECTED.—The amendments made by this section shall not be construed to affect any claim arising from events (described in section 25(11) of the Federal Reserve Act, as added by subsection (a)) that occurred before the date of enactment of this section.

SEC. 360. REPEAL OUT-DATED STATUTORY PROVISION.

Section 5204 of the Revised Statutes (12 U.S.C. 56) is amended—

(1) in the second sentence, by striking "deducting therefrom its losses and bad debts" and inserting "subject to other provisions of law"; and

(2) by striking the third sentence.

SEC. 361. FLEXIBILITY IN CHOOSING BOARDS OF DIRECTORS.

Section 72 of title 12, United States Code is amended: In the first sentence delete "two-thirds" and replace it with "one-half"; In the first sentence after the phrase, "affiliate of a foreign bank" insert, "whether or not the association is owned or controlled by such foreign bank".

CHAPTER 2—HOLDING COMPANY EFFICIENCIES

SEC. 365. EXPEDITED PROCEDURES FOR FORMING A BANK HOLDING COMPANY.

Section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)) is amended—

(1) by striking out "or (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the period at the end of the second sentence the following: "or (C) with 30 days prior notification to the Board, the acquisition by a company of control of a bank in a reorganization in which a person or group of persons exchange their shares of the bank for shares of a newly formed bank holding company and receive, after the reorganization, substantially the same proportional share interest in the holding company as they held in the bank except for changes in shareholders' interests resulting from the exercise of dissenting shareholders' rights under State or Federal law if, immediately following the acquisition, the bank holding company meets the capital and other financial standards prescribed by the Board by regulation for such a bank holding company and the holding company does not engage in any activities other than those of banking or managing and controlling banks. In promulgating regulations pursuant to this subsection, the Board shall not require more capital for the subsidiary bank immediately following the reorganization than is required for a similarly sized bank that is not a subsidiary of a bank holding company."

SEC. 366. EXEMPTION OF CERTAIN HOLDING COMPANY FORMATIONS FROM REGISTRATION UNDER THE SECURITIES ACT OF 1933.

Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end thereof the following new paragraph:

"(7) transactions involving offers or sales of equity securities, in connection with the acquisition of a bank by a company under section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(A)), if the acquisition occurs solely as part of a reorganization in which a person or group of persons exchange their shares of a bank for shares of a newly formed bank holding company and receive, after that reorganization, substantially the same proportional share interests in the bank holding company as they held in the bank, except for changes in shareholders' interests resulting from the exercise of dissenting shareholders' rights under State or Federal law."

SEC. 367. EXPEDITED PROCEDURES FOR BANK HOLDING COMPANIES TO SEEK APPROVAL TO ENGAGE IN NON-BANKING ACTIVITIES.

Paragraph (8) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) is amended—

(1) by redesignating clauses (i) and (ii) of subparagraphs (C), (D), and (E) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A) through (G), and any cross references thereto as clauses (i) through (vii), respectively; and

(3) by striking out all that precedes "purposes of this subsection it is not" and inserting in lieu thereof the following:

"(8)(A) ACTIVITIES CLOSELY RELATED TO BANKING.—In accordance with the limitations and requirements contained in subparagraphs (B) and (C) of this paragraph, shares of any company whose activities the Board has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto.

"(B) NOTICE REQUIREMENTS.—

"(i) No bank holding company shall engage in any activity or acquire the shares of a company pursuant to this paragraph, either de novo or by an acquisition in whole or in part of a going concern, unless the Board has been given 60 days prior written notice of that proposal and, within that period, the Board has not issued an order—

"(I) disapproving the proposal, or
"(II) extending the time period in accordance with clause (iii) below.

"(ii)(I) An acquisition may be made prior to the expiration of the disapproval period if the Board issues a written statement of its intent not to disapprove the proposal.

"(II) The Board shall publish in the Federal Register notice of receipt of a notice under this paragraph involving insurance and provide a reasonable period for public comment. The Board shall issue an order involving any such notice.

"(III) No notice under this paragraph is required for a bank holding company to establish de novo an office to engage in any activity previously authorized for that bank holding company under this paragraph or to change location of an office engaged in that activity.

"(iii) The notice submitted to the Board shall contain such information as the Board shall prescribe by regulation or by specific request in connection with a particular notice, except that the Board may require only such information as may be relevant to the nature and scope of the proposed activity and to the Board's evaluation of the notice under the criteria specified in clause (iv). If the Board requires additional relevant information beyond that provided in the notice, the Board may by order extend the time period provided in clause (i) of this subparagraph until it has received that information, and the activity that is the subject of the notice may be commenced within 60 days of the date of that receipt unless the Board issues a disapproval order as provided in clause (i). Such an extension order is reviewable under section 9 of this Act.

"(iv) In determining whether to disapprove a notice under this paragraph, the Board shall consider whether the performance of the activity described in the notice by a bank holding company or subsidiary thereof can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this paragraph, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern.

"(c) The Board shall by order set forth the reasons for any disapproval or determination not to disapprove a notice under this paragraph.

"(C) INSURANCE ACTIVITIES NOT CLOSELY RELATED TO BANKING.—For".

SEC. 368. REDUCTION OF POST-APPROVAL WAITING PERIOD FOR BANK HOLDING COMPANY ACQUISITIONS.

Section 11(b)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1849(b)(1)) is amended by adding before the period at the end of the fourth sentence thereof the following: "or if no adverse comment has been received regarding section 4(c)(8)(C) or section 4(j) of this Act, such shorter period of time as may be prescribed by the Board with the concurrence of the Attorney General, but in no event less than 5 days."

SEC. 369. REDUCTION OF POST-APPROVAL WAITING PERIOD FOR BANK MERGERS.

Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended by inserting before the period at the end of the last sentence thereof the following: "or such shorter period of time as may be prescribed by the agency with the concurrence of the Attorney General, but in no event less than 5 days."

Subtitle D—Consumer Inconvenience, Paperwork, and Cost; Other Non-Supervisory Reforms

CHAPTER 1—CONSUMER BENEFITS AND LENDING PROCESS IMPROVEMENTS

SEC. 371. STREAMLINED LENDING PROCESS FOR CONSUMER BENEFIT.

(a) FEDERAL RESERVE STUDY.—Within twelve months of enactment of this Act, the Board of Governors of the Federal Reserve System, in consultation with the Department of Housing and Urban Development, shall conduct a study and report to Congress on ways to streamline the credit-granting process.

(b) FOCUS.—In carrying out subsection (a), the Board shall—

(1) identify ways to streamline the home mortgage, small business and consumer lending processes so as to—

(A) reduce consumer inconvenience, cost and time delays; and

(B) minimize cost and burdens on insured depository institutions and credit unions;

(2) take such regulatory action, as appropriate, to meet the objectives of paragraph (1); and

(3) provide Congress with legislative recommendations on changes necessary to carry out the purposes of this section.

(c) COMMENT.—In carrying out the objectives of this section, the Board shall solicit comments from other Federal banking agencies, consumer groups, insured depository institutions, credit unions, and other interested parties.

(d) DEFINITION.—For purposes of this section, the term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

SEC. 372. EXEMPTION FOR CERTAIN BORROWERS.

Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended by adding at the end thereof the following:

"(7) Credit transactions involving consumers who earn more than \$200,000 annually or have net assets in excess of \$1,000,000 at the time of such transaction."

SEC. 373. MODIFICATION OF WAIVER OF RIGHT OF RESCISSION.

Section 125(d) of the Truth in Lending Act (15 U.S.C. 1635(d)) is amended by striking "if it finds that such action is necessary in order to permit homeowners to meet bona fide personal financial emergencies."

SEC. 374. ALTERNATIVE DISCLOSURES FOR ADJUSTABLE RATE MORTGAGES.

(a) Section 127A(a)(2)(G) of the Truth in Lending Act (15 U.S.C. 1637a(a)(2)(G)) is amended by inserting before the semicolon "or a statement that the monthly payment may increase or decrease significantly due to increases in the annual percentage rate".

(b) In Section 128(a) of the Truth in Lending Act (15 U.S.C. 1638(a)), insert at the end of the following new paragraph (14):

"(14) In any variable rate residential mortgage transaction, at the creditors' option, a statement that the monthly payment may increase or decrease substantially, or an historical example illustrating the effects of interest rate changes implemented according to the loan program."

SEC. 375. EXEMPTION FOR BUSINESS ACCOUNTS.

Section 274 of the Truth in Savings Act (15 U.S.C. 4313) is amended by striking subsection (1) and inserting the following in its place:

"(1) The term 'account' means any account intended for use by and generally used by consumers primarily for personal, family, or household purposes by a depository institution into which a customer deposits funds, including demand accounts, time accounts, negotiable order of withdrawal accounts, and share draft accounts."

SEC. 376. ELIMINATION OF DUPLICATE DISCLOSURES FOR HOME EQUITY LOANS.

Section 4 of the Real Estate Settlement Procedures Act (12 U.S.C. 2603) is amended by inserting in subsection (a) after the first sentence: "except that for federally related mortgage loans secured by a subordinate lien on residential property subject to section 127A(a) of the Truth in Lending Act (15 U.S.C. 1637a(a)), the disclosures of section 127A(a) of the Truth in Lending Act (15 U.S.C. 1637a(a)) may be used in place of the standard real estate settlement form."

CHAPTER 2—OTHER NON-SUPERVISORY REFORMS**Subchapter I—Expedited Funds Availability and Electronic Transfers****SEC. 381. AVAILABILITY SCHEDULES.**

(a) TREASURY CHECKS.—Section 603(a)(2)(A) of the Expedited Funds Availability Act (12 U.S.C. 4002(a)(2)(A)) is amended—

(1) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively; and

(2) by inserting before clause (ii), as redesignated, the following:

"(i) is deposited in a receiving depository institution which is staffed by individuals employed by such institutions;"

(b) ON-US ITEMS.—Section 603(a)(2)(E) of the Expedited Funds Availability Act (12 U.S.C. 4002(a)(2)(E)) is amended by inserting "is staffed by individuals employed by such institutions" after "branch of a depository institution".

(c) LOCAL CHECKS.—Section 603(b)(1) of the Expedited Funds Availability Act (12 U.S.C. 4002(b)(1)) is amended by striking "1 business day" and inserting "2 business days".

SEC. 382. DEFINITION OF A NEW ACCOUNT.

Section 604(a) of Expedited Funds Availability Act (12 U.S.C. 4003(a)) is amended by striking "30-day period" and inserting "90-day period".

SEC. 383. JURISDICTION.

Section 611(f) of the Expedited Funds Availability Act (12 U.S.C. 4010(f)) is amended in the first sentence by inserting "or other entities participating in the payments system, including States and political subdivisions thereof on which checks are drawn." after "depository institutions".

SEC. 384. UNAUTHORIZED ELECTRONIC FUND TRANSFERS.

Section 909(a)(1) of Electronic Fund Transfer Act (15 U.S.C. 1693g(a)(1)) is amended by inserting "(or in cases where the cardholder has substantially contributed to the unauthorized use, including writing on or keeping with the card or other means of access a personal identification or other security code, \$500)" after "\$50".

Subchapter II—Amendments to the Truth in Lending Act**SEC. 385. LIABILITY FOR UNAUTHORIZED USE OF CREDIT CARDS.**

Section 133(a) of the Truth in Lending Act (15 U.S.C. 1643(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2)(A) Notwithstanding paragraph (1), a cardholder shall be liable for the unauthorized use of a credit card if—

"(i) the liability is in excess of \$50; and

"(ii) the cardholder fails to notify the card issuer of any unauthorized transaction which appears on the statement of the cardholder's account in connection with an extension of consumer credit within 60 days of the receipt of such statement.

"(B) The liability described in subparagraph (A) shall not apply if the cardholder demonstrates that the failure to timely notify the card issuer of the unauthorized use was due to extenuating circumstances such as extended travel or hospitalization, and notice was provided at the earliest possible time thereafter.

"(C) The liability described in subparagraph (A) shall only apply where the card issuer has provided prior notice to the cardholder of such liability."

Subchapter III—Homeownership Amendments**SEC. 386. HOME MORTGAGE DISCLOSURE ACT EXEMPTION.**

The Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.) is amended in section 309 (12 U.S.C. 2808) by inserting at the end the following new sentence: "The amount of total assets in the preceding sentence shall be adjusted yearly on January 1 by the annual percentage change in the Consumer Price Index reported for the previous June 1."

SEC. 387. HOMEOWNERSHIP DEBT COUNSELING NOTIFICATION.

Section 106(c)(5) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)) is amended:

(a) by inserting at the end the following new subparagraph (F):

"(F) AFFECT ON FORECLOSURE PROCEEDINGS.—Failure of a creditor to comply with the requirements of this subsection shall in no way affect foreclosure proceedings under State law."; and

(b) in subparagraph (B)—

(1) by inserting "(i)" before "The notification required" and by renumbering clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by inserting the following new clause (ii)—

"(ii) Creditors shall not be required to provide the notification required under subparagraph (A) more than once annually."

SEC. 388. ELIMINATION OF DUPLICATIVE DATA COLLECTION.

Effective six months after the date of enactment of this Act, no Federal banking agency shall require any institution for which it is the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act) to prepare, file, or maintain any form for the purpose of collection, analysis, or maintenance of appropriate data to further the purposes of, or to fulfill the requirements of, the Fair Housing Act, other than a form for data collection, analysis, or maintenance required under the Home Mortgage Disclosure Act of 1975.

Subchapter IV—Amendments to the Truth in Savings Act**SEC. 389. CIVIL LIABILITY.**

Section 271 of the Truth in Savings Act (15 U.S.C. 4310) is amended—

(1) by inserting the following new subsection (c):

"(c) LIMITS TO CIVIL LIABILITY.—In connection with the disclosures referred to in sec-

tion 268, a depository institution shall have liability under paragraph (a)(2) of this section only for failing to comply with subsections (2) and (4) of section 268. A depository institution has no liability under this section for any failure to comply with section 263."; and

(2) by redesignating subsections (c), (d), (e), (f), (g), (h) and (i) as subsections (d), (e), (f), (g), (h), (i) and (j), respectively.

Subchapter V—Amendments to the Real Estate Settlements Procedures Act**SEC. 391. CLARIFY DISCLOSURE REQUIREMENTS.**

Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended—

(a) in subsection (a)(1)(B)—

(1) by inserting "at the choice of the person making a federally related mortgage loan—(i)" after "(B)";

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and by striking "and" at the end of newly redesignated subclause (II) and inserting "or"; and

(3) by inserting the following new clause (ii):

"(ii) a statement that the person making the loan has previously assigned, sold, or transferred the servicing of federally related mortgage loans; and"

(b) in subsection (a)(2), by inserting at the end the following new sentence: "Notwithstanding the previous sentences of this paragraph, the Secretary shall also permit any person originating the loan, at the choice of such person, to provide instead of the percentage estimates required to be disclosed under this paragraph a statement that the servicing may be assigned, sold or transferred during the 12-month period beginning upon origination."

SEC. 392. EXEMPTION OF BUSINESS LOANS.

The Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601) is amended—

(1) by redesignating sections 4 (as amended by section 376 of this Act) through 19 as sections 5 through 20, respectively; and

(2) by inserting the following new section 4:

"SEC. 4. EXEMPTED TRANSACTIONS.—This title does not apply to the following:

"(1) Credit transactions involving extensions of credit primarily for business, commercial, or agricultural purposes, or to government or governmental agencies or instrumentalities, or to organizations; or

"(2) Credit transactions to finance or refinance agricultural property (such as farms, ranches, aquaculture, or vineyards) constituting 25 or more acres regardless of whether the loan in part involves a lien including residential property."

Subtitle E—Community Investment**SEC. 395. COMMUNITY REINVESTMENT ACT AMENDMENTS.**

(a) COMPLIANCE BURDENS.—Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended—

(1) in paragraph (1), by striking "and" and inserting "and";

(2) in paragraph (2), by striking "." and inserting "and"; and

(3) by adding at the end the following new paragraph (3):

"(3) minimize the regulatory paperwork burdens and costs associated with compliance with this Act, giving appropriate consideration and recognition to such factors as the nature and scope of the institution's business, its location and area of service, and such other factors as may be appropriate."

(b) SAFE HARBOR.—The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.),

as amended by section 242 of this Act, is further amended by adding the following new section:

"SEC. 810. SAFE HARBOR.—Notwithstanding section 804(2), an application for a deposit facility by—

"(a) a regulated financial institution shall not be denied on the basis of such institution's compliance with this Act is such institution received a rating in its last evaluation under section 804 of 'Outstanding' in its record of meeting community credit needs, as provided in section 807(b); or

"(b) a depository institution holding company, as defined in section 3(w) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)), shall not be denied if—

"(1) regulated financial institution subsidiaries representing, in the aggregate, two-thirds of the holding company's regulated financial institution assets received a rating in their last evaluation under section 804 of 'Outstanding'; and

"(2) the remaining regulated financial institution subsidiaries received a rating in their last evaluation under section 804 of at least 'Satisfactory'."

(c) SPECIAL PURPOSE BANKS.—The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.) is hereby amended—

(1) in section 803 (12 U.S.C. 2902), by inserting the following new paragraph (5):

"(5) the term 'special purpose banks' means a bank that does not generally accept retail deposits, such as credit card banks and trust banks."; and

(2) in section 804 (12 U.S.C. 2903) (as amended by this section)—

(A) by inserting "(a)" before "In connection with";

(B) by inserting at the end the following new subsection (b):

"(b) In conducting assessments pursuant to subsection (a) at special purpose banks, each appropriate Federal financial supervisory agency shall take into consideration the nature of business such banks are involved in and develop standards under which such banks may be deemed to have complied with the requirements of this Act which are consistent with the specific nature of such businesses."

(d) STATE EXAMS.—The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.) is hereby amended by adding after section 809 (as added by this section) the following new section:

"SEC. 811. STATE EXAMS.—The appropriated Federal financial supervisory agency may accept examinations conducted by state supervisory agencies pursuant to comparable state community reinvestment laws in order to satisfy the requirements of this Act."

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony from Federal agencies on their respective roles in addressing the contemporary needs and management of the Newlands project in Nevada. This hearing will serve as a followup to a subcommittee field hearing held in Reno, NV, on December 11, 1993.

The hearing will take place on Tuesday, April 12, 1994, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Palmer.

For more information, please contact Dana Sebren Cooper, (202) 224-4531, or Leslie Palmer, (202) 224-6836, of the subcommittee staff.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on water quality and quantity problems and opportunities facing the lower Colorado River area.

The hearing will take place on Tuesday, April 26, 1994, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, (202) 224-4531, or Leslie Palmer, (202) 224-6836, of the subcommittee staff.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the implementation of the Central Valley Project Improvement Act and the coordination of these actions with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.

The hearing will take place on Tuesday, May 3, 1994, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee

on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, (202) 224-4531, or Leslie Palmer, (202) 224-6836, of the subcommittee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 9, 1994, in closed session, to receive testimony on force structure levels in the bottom up review of the defense authorization request for fiscal year 1995 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 A.M. on Wednesday, March 9, 1994, in closed session, to receive testimony on force structure levels in the bottom up review in review of the defense authorization request for fiscal year 1995 and the future years defense program; to consider and act on the following pending civilian nominations: Hon. Edwin Dorn to be Under Secretary of Defense for Personnel and Readiness; Dr. Stephen C. Joseph to be Assistant Secretary of Defense for Health Affairs; Ms. Helen T. McCoy to be Assistant Secretary of the Army for Financial Management; Mr. Robert M. Walker to be Assistant Secretary of the Army for Installations, Logistics and Environment; Ms. Deborah P. Christie to be Assistant Secretary of the Navy for Financial Management; Mr. Robert B. Pirie, Jr. to be Assistant Secretary of the Navy for Installations and Environment; Mr. Rodney A. Coleman to be Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations and Environment; Mr. Robert F. Hale to be Assistant Secretary of the Air Force for Financial Management and Comptroller; and to discuss the procedures for considering certain pending military nominations and personnel matters, including the nomination of Lt. Gen. Buster C. Glosson, USAF, to retire in grade, and the impending retirement of Adm. Frank B. Kelso II, USN.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 9, beginning at 10 a.m. to conduct a hearing on regulatory consolidation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 9, 1994, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony on the subject of the Uruguay Round Subsidies Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Tuesday, March 9, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 9, 1994, beginning at 10 a.m., in 485 Russell Senate Office Building on the President's budget request for fiscal year 1995 for the Indian Programs within the Departments of Housing and Urban Development, Education, Labor, and the Administration for Native Americans.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on ERISA preemption of State prevailing wage laws, during the session of the Senate on March 9, 1994, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR
REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, March 9, beginning at 2 p.m., to conduct a hearing on Nuclear Regulatory Commission User Fees.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND
TRADEMARKS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Patents, Copyrights, and Trademarks be authorized to meet during the session of the Senate on Wednesday, March 9,

1994, at 10 a.m. to hold a hearing on the oversight of the Patent and Trademark Office.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. JOHN M. SMITH,
JR.

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentuckian who has dedicated more than four decades of service to the people of rural Lee County, KY. Dr. John M. Smith, Jr. will be honored as the Beattyville/Lee County Chamber of Commerce Citizen of the Year this weekend for his outstanding commitment to the community.

When Dr. Smith first practiced medicine in Lee County in 1951, he was obligated to stay 1 year. His first year of medical school at the University of Kentucky was funded with assistance from the rural medical fund of the Kentucky Medical Association. In exchange, Dr. Smith was required to serve 1 year in a county identified by the State as needing a doctor. He chose Lee County, in part because of his own roots in nearby Perry and Jackson Counties. Now, 43 years later, he continues to serve the people of Beattyville and Lee County faithfully and compassionately from his own clinic.

John Smith returned to the eastern Kentucky mountains after a stint as a Navy physician. Although he grew up in the region, he surely was not fully prepared for the unique challenges which face a country doctor. In Beattyville circa 1952, no pharmacy or x-ray machine was available, the nearest hospital was about an hour away, and many homes could not be reached by car.

Legendary Kentucky writer Joe Creason once profiled Dr. Smith in the Louisville Courier-Journal. Mr. Creason wrote of Dr. Smith being transported by tractor and rowboat to reach patients and of his accepting almost any form of payment, including country hams, chickens, and farm produce. Ironically, Mr. Creason's article was published just 1 year after Dr. Smith began his practice in Lee County. I would suspect that he could now write a book on the unusual, yet rewarding experiences of this dedicated physician.

Dr. Smith's early years as a doctor were not the first time he gave selflessly to help others. Prior to medical school, he enlisted in the U.S. Navy as a line officer during World War II. A lieutenant on board the U.S.S. *Weeden*, Dr. Smith participated in the campaign to take back the Philippines and traveled to Nagasaki just after the bomb was dropped to pick up U.S. prisoners

there. Dr. Smith also served during the Korean war, as a Navy physician at the Louisville recruiting station.

John Smith also continued his medical education after he established his practice in Beattyville. He attended the Armed Forces Institute of Pathology in Washington, DC, completed a residency in radiology at Memphis Methodist Hospital and the University of Kentucky, and gained experience as a staff radiologist in Morehead, at the Woodford County Hospital and at the Lexington Clinic.

Clearly, Dr. Smith could have pursued countless opportunities to take his practice to a larger city or work in a hospital of national prestige. However, the seventh-generation Kentuckian returned to Lee County where he has truly made a difference in the lives of thousands of rural citizens. His experience, dedication, and compassion make Dr. John Smith a role model for young Kentuckians who are considering a career in medicine.

Mr. President, I congratulate Dr. John Smith for his recognition as Beattyville/Lee County Chamber of Commerce Citizen of the Year and for the many years he has devoted to the people of Lee County and surrounding communities. Please include an October 26, 1992 article from the Courier-Journal in today's RECORD.

The article follows:

BEYOND THE CALL OF DUTY
(By Joe Creason)

(Here's an example of the success of the Medical Scholarship Fund, created to provide more doctors for the rural areas of the state)

The accompanying article from the Courier-Journal magazine section dated October 26, 1992 is the story of a young navy physician who came back to the area in which he was born to practice medicine. He came in 1951, a few months after a long time physician in Beattyville had died; and quickly fit into the community and definitely filled a need. Even though there was no pharmacist in Beattyville at the time the article was written, the Wolfenbarger brothers came soon after and opened a pharmacy. A point of interest—the last baby delivered by Dr. Smith is Lou Anne Akers who is presently living in Beattyville. Dr. Smith's hope of installing an X-ray machine became a reality. He practices medicine in a pleasant clinic which he owns. He continued his medical education—he went to The Armed Forces Institute of Pathology in Washington, D.C.; did a residency in Radiology at Memphis Methodist Hospital and completed it at University of Kentucky. Upon completion, he was staff radiologist at the hospital in Morehead, at the Woodford County Hospital and at the Lexington Clinic. He and his family returned to Beattyville in 1974 where he continues to practice medicine.

John M. Smith, Jr., had a pretty good idea he'd be in for some unusual times when he hung up his shingle and started the practice of medicine in Beattyville, Ky.

After all, he knew beforehand that Lee County was one of some 40 in Kentucky that was critically short on doctors, having then—in 1951—only one for a population of more than 8,000 people.

And he knew six other neighboring counties of mountainous East Central Kentucky—Clay, Owsley, Jackson, Wolfe, Powell and Menifee—likewise were on short rations indeed, so far as doctors were concerned.

So he must have suspected he'd face a lot of situations and experiences not generally covered in medical textbooks.

But, even with all that forewarning, it's extremely doubtful if Dr. John M. Smith, Jr., expected the time would come when a tractor would be the only way he'd be able to get into a remote area to see a patient.

Or that he'd have to cross the rain-swollen Kentucky River in a rowboat in the dead of winter with a half-blind woman at the oars.

Or that he'd ever take country hams—at the exchange rate of \$1 a pound—in line of payment for medical services.

Or that a dozen and one other unusual experiences would come his way in less than a year and a half.

For that's just the length of time Dr. John M. Smith, Jr., one of the first 12 products of the Rural Kentucky Medical Scholarship Fund, has been practicing in Beattyville.

The Rural Medical Fund, sponsored by the Kentucky State Medical Association in cooperation with the University of Louisville School of Medicine, was started in the 1946-47 school year. The purpose of the fund, raised by public subscription, was to provide better medical care for the people of rural Kentucky. Medical students needing financial help may borrow from the fund and make repayment on the basis of a year of practice in a doctor-short section of each year of aid.

To translate the intention of the fund into a real situation, John Smith received help from it for one year—1946-47. That was his first in medical school and the year the first of his two sons was born. Having very little he could use for money, he borrowed in order to get started in school. After that he needed no help.

In return for that year of financial assistance, he was obligated to devote one year's practice to a county approved by the State Board of Health as needing doctors. After looking over the field, he chose Lee County.

If John Smith is a fair sample, then the Rural Medical Fund can be pronounced quite a large success. He now has served his year of obligation, owns a home in town and shows no signs of leaving, which is exactly what sponsors of the fund were hoping for. They reasoned that if they could get young doctors into rural areas for a year or so, some of them, at least, would settle down to permanent practice.

During his year-plus in Lee County, Dr. John Smith has given medical help to hundreds of people from a rather populous and mountainous seven-county area who, conceivably, would have had none otherwise.

Moreover, the people he serves are the kind who don't go rushing off to the doctor with every stomach-ache, or some such.

"Most of these folks are stoic and will suffer a long time before coming in," he says.

"Why, I've had patients with pneumonia walk into the office from seven or eight miles away.

"I do all I can for them and send them to the hospital—the nearest one is in Richmond, 52 miles away—only in emergencies," he adds. "After all, many of my patients can't afford to go to the hospital with every ache and pain like city folks."

Sponsors of the fund actually got a more than somewhat rare bargain in John Smith. They didn't get just one rural doctor—they got two. For his wife also is a doctor, a 1945

medical graduate of New York University, and she recently opened an office at Booneville, 12 miles south in adjoining Owsley County.

Although there were two doctors in Booneville, both were old. One had suffered a stroke. Smith was receiving so many patients from that area it seemed a perfect spot for his wife to open an office to relieve some of the strain.

Now that he's settled in Lee County, John Smith has become a family doctor in every sense of the word. He's known as "Doc" everywhere and can call most of the folks he passes on the road by their first names. He can point to children he brought into the world. He is taken into confidences, sought out for advice on every conceivable situation.

Since opening his office, he has been too busy even to attend a single movie. The only days he has been away from work was once during a medical meeting and the couple of days he was out last winter with the flu.

Incidentally, that case of the deep sniffles came in the line of duty. He was called to see a woman in the Oakdale section of the county who was sick with pneumonia. He had to follow a narrow path above an ice-laced creek in reaching the home.

As he inched along the bank, it suddenly caved in and he was dunked, bag, baggage and pill bottles, into waist-deep water. He went on and completed the call before changing clothes, something he'd raise Cain with a customer for doing, and the result was flu.

Smith keeps a pair of galoshes in the back of his car for hiking over terrain not suited even for the most sturdy horseless carriage. And it's quite often that a car can't make it back into a particularly rough, hilly section. As, for instance, when the husband of a sick woman had to ride him in and out on a tractor, the only transportation that could make the trip.

Then there was the boat ride last winter that he—a veteran of three years of destroyer-escort duty in the Navy—never will forget. He had gone to call on a patient who lived on the other side of the North Fork of the Kentucky River some distance about Beattyville. The only way across the river was by boat. The return was long after sundown and in inky darkness. The pilot was a partially blind woman.

"I crouched in the bottom of the boat," he recalls, "and wondered about my life insurance."

"How she hit the tiny landing on the other side of the river in that darkness and pulling into a swift current. I'll never know."

Numerous times he has been called to see patients in parts of the area he doesn't know. In such cases, the family of the sick person will more or less blaze a trail for him. They'll place a forked stick at the place he's supposed to turn off the main road and leave assorted other signs along the way.

He gets night calls, of course, but not as many as might be expected.

"These folks are sturdy, and they'll usually stick it out until morning," he says.

But the night calls do come. This spring he was roused at 1 a.m. He went with the caller to see the man's wife, gave her some pills and returned home to bed.

Less than 30 minutes later, he was brought out of bed again. It was the same man.

"Better come again, Doc," he urged, "she ain't a bit better."

Lots of patients have been unable to pay cash for doctor-work. So Smith has taken almost everything in payment. He keeps well supplied in ham, chicken and farm produce.

"At first my wife had a little trouble understanding what some patients were talking about," he says.

Folks would come in and say, "Take a look at this kid, Doc, he's been daunceyin' 'round," and she'd have a hard time figuring what they meant.

"But since I was born in Perry County and grew up in Jackson County, I knew when they talked about 'daunceying 'round' or 'punying 'round' another very descriptive bit of speech, they meant the child was sort of dragging around and showing little life."

Since he opened his office, another young doctor has come to Beattyville. Sam D. Taylor, born there, and also a U. of L. graduate, returned home in August to start practice. The two have worked out of scheme whereby one day a week they take the other's office calls. That allows them to get one day all to themselves.

Smith has his office in what was an old drugstore across the street from the Courthouse. He has divided the gunbarrel-shaped space into a reception room, office, drug room, examination room and delivery room. He delivers babies at homes, but prefers to have expectant mothers come to his office where he has all necessary equipment, including oxygen. He keeps them 10 to 12 hours after the delivery and sends them home in an ambulance.

Beattyville has no pharmacist, so Smith has to dispense his own pills and medicines. Neither is there an X-ray machine in town, although he hopes to install one soon.

Besides his unusual doctoring experiences, Smith has the rather unique distinction of having served as an officer in two different branches of the Navy within a five-year period.

After being graduated from the University of Kentucky in 1942, the 30-year-old Smith went into the Navy as a line officer. Upon his discharge, he entered medical school and was graduated in 1949. Then, following his intern work, along came the war in Korea and he volunteered to go back into the Navy, this time as a medical officer. He served for more than a year in Louisville at the recruiting station.

His second discharge came July 6, 1951. He opened his office 10 days later.

In the nearly seven years since the Rural Medical Fund was set up, 64 students have received \$100,450 in financial help. Twelve of those students, including Smith, have served at least one year in rural areas. Nine are still there. Of the three who left the rural field, one is in the Army, one is sick and one moved to another state.

Besides Smith, other fund-helped doctors with at least one year in rural practice are O.C. Cooper, Wickliffe; Carson E. Crabtree, Buffalo; Oscar A. Cull, Corinth; William G. Edds, Calhoun; Clyde J. Nichols, Clarkson; Benjamin C. Stigall, Livermore; William L. Taylor, Guthrie, and Loman C. Trover, Earlington.

Six other doctors who were helped by the fund completed their internship in July and now are practicing in the country.

"Rural practice gets next to a fellow," John Smith says. "You have to make a lot of changes from what they say in the books—you have to be down-to-earth and forget all about dignity and professional manners at times."

"But there's an awful lot of satisfaction in serving people who really need help."

Which pretty nearly describes the country doctor. ●

COMMENDING THE ANTI-DEFAMATION LEAGUE FOR THEIR EFFORTS TO COMBAT HATE CRIMES

• Mr. SIMON. Mr. President, I rise today to applaud the Anti-Defamation League [ADL] for their continuing work to expose and combat hate crimes, and to bring your attention to their most recent "Audit of Anti-Semitic Incidents." For the past 15 years, the ADL has compiled data about anti-Jewish attacks. Their efforts in the collection of data and the development of programs regarding anti-Semitic acts increase public awareness of this problem, and help generate constructive solutions. I commend the ADL for continuing this important endeavor, and would like to share with you some of their recent findings.

Unfortunately, the Anti-Defamation League's 1993 survey indicates that the number and severity of anti-semitic hate crimes has worsened nationwide. There were 1,867 incidents reported to the ADL from 44 States and the District of Columbia in 1993 alone. This represents an overall increase of 8 percent from 1992, and constitutes the second highest total in the audit's 15-year history.

I was particularly troubled by the dramatic rise in the number of personal assaults against Jews. For the third year, the number of anti-Semitic acts against individuals outnumber the incidents of vandalism against institutions and other property. The number of reported incidents of assault, threat, and harassment totaled 1,079. This represents a 23-percent increase from 1992.

While these numbers make a dramatic statement about the magnitude of anti-Semitic hate crimes, some specific examples more graphically illustrate the sad story of hatred present in our society today. The ADL reports that in Seattle, a man with neo-Nazi tattoos hit his neighbor in the face, pushed his head against a wall, and bit him upon learning he was Jewish. In Massachusetts, anti-Semites spray-painted Happy Birthday Adolf and swastikas on numerous gravestones, and overturned 100 other gravestones.

Tragically, anti-Semitic incidents on college campuses increased by 7 percent from 1992. In the past 6 years, such incidents have more than doubled. The ADL reports that in a men's room at Florida Atlantic University [FAU], anti-Semites spray-painted the message Anti-Semitism is alive and well at FAU—we will hang the Jews in the University Center on Saturday. In December 1993, vandals scrawled Jews burn in Hell on the steps of a predominantly Jewish fraternity at Colorado University.

The ADL's report did contain some encouraging statistics, however. The number of anti-Semitic incidents relating to property dropped by 8 percent. My home State of Illinois, experienced

a decline in the number of vandalism incidents. Other declining trends continued as well. The number of skin-head-related anti-Semitic incidents declined substantially, with a 90-percent decrease.

In closing, I again want to commend the ADL for its outstanding and important work. I ask that the following portion of the Anti-Defamation League's 1993 audit be printed in the RECORD.

The excerpt follows:

THE FINDINGS

In 1993, the total number of anti-Semitic incidents reported to the Anti-Defamation League—comprising acts both against property and persons—was 1867. This total, comprising reports from 44 states and the District of Columbia, is the second-highest in the Audit's 15-year history, and represents an overall increase of 8% over the 1992 total of 1730. It should be noted that there was a major rise in acts of assault, threat or harassment—i.e., those of a personal nature—which showed an increase of 23%. At the same time, however, there was a drop of 8% in incidents related to property—i.e., vandalism of synagogues, other Jewish property and public property.

The five states reporting the highest totals of anti-Semitic incidents of all kinds in the past year were: New York (273), New Jersey (234), Florida (195), California (191) and Massachusetts (189).

The 1993 findings maintain several trends noted in ADL's 1992 audit:

(1) For the third straight year, acts of anti-Semitic hostility, mostly against individuals (i.e., the more personalized type of incident, such as threats, assault and harassment)—a total of 1079, or 58% of all incidents—far outnumber incidents of vandalism against institutions and other property—totalling 788 (42% of the overall total). This trend would seem to dovetail with the sense of many observers across the nation that confrontational, "in-your-face" acts of violence, intimidation and incivility have been growing and spreading in recent years. These anti-Semitic acts of personal harassment and assault have risen steadily since 1986; in that 7-year span, such incidents have increased by 245%.

(2) The disturbing upward trend in campus anti-Semitic incidents continued in 1993, although the dramatic rate of increase slowed: such episodes rose 7% over 1992. In the past six years, campus incidents have more than doubled. Since 1990 they are up 28%.

While there are still significant numbers of campus incidents involving anti-Semitic vandalism, many of the most disturbing recent campus events fostering a sense of outrage, intimidation and harassment among Jewish students involved verbal anti-Semitic attacks by such bigots and demagogues as Louis Farrakhan and certain of his followers, who have made such presentations at numerous schools.

(3) Finally, within the vandalism category: the number of incidents (352) committed against public property locations—e.g., on buildings, bridges, sign posts, etc.—in 1993 was more than twice the number committed against synagogues, schools and other Jewish institutional targets (161). This pattern maintains a trend seen over the previous three years. It indicates that in recent years, as hate crime laws have proliferated and law enforcement action has increased, along with better security measures and awareness by Jewish institutions themselves, the latter

are becoming better protected against anti-Semitic hate crime perpetrators—who increasingly are targeting the more numerous and harder-to-protect public locations.●

THE MANY OAKS APARTMENT DEVELOPMENT IN LINCOLN, NE

• Mr. KERREY. Mr. President, I would like to recognize an outstanding achievement in my State and the organizations which worked to make the plan a reality.

Many Oaks is a privately owned townhouse rental apartment development, located in the northwest section of Lincoln, NE. It was recently constructed and all of the units leased to lower-income families. This significant achievement was commemorated at a ceremony at the development on December 10, 1993. I was pleased to be able to offer my sincere congratulations.

The developer, the Indian Center, is a local 501(c)(3) neighborhood nonprofit development corporation, which has been developing affordable housing in this community since the mid-1980's; a time when large government subsidies were no longer available.

What makes this development so unusual is that it provides privately owned, affordable, attractive, spacious housing to large families with low incomes who cannot afford to purchase a home of their own and for whom safe, attractive, affordable apartments are not readily available.

Many Oaks contains 30 units in 15 townhouse, split-level type structures with attached garages. The 30 units are comprised of 20 three-bedroom units ranging in size from 1,020 square feet to 1,153 square feet; and 10 four-bedroom units ranging in size from 1,125 sq. ft. to 1,390 sq. ft. Each unit includes a washer and dryer, range, refrigerator, and carpeting. There is also an on-site outdoor recreational space which includes a playground and basketball court.

The rents are affordable on all 30 units for families who earn less than 60 percent of the median family income in Lincoln. The residents represent a cross section of America: 40 percent are white, 40 percent are African-American, 10 percent native American, 7 percent Hispanic, and 3 percent Asian.

I want to acknowledge the leadership of the Indian Center and the organizations which worked in close partnership to achieve this milestone.

The Indian Center had the vision, the organization and the dedication to identify and mobilize the public and private sectors to act together to make available the combined resources necessary to complete this task.

Construction financing was provided by the National Bank of Commerce, located in Lincoln, prior to obtaining a commitment for the long-term financing. This is an unusual act, one which demonstrates respect for the developer and a commitment to the community.

Fannie Mae, the congressionally chartered secondary market company, and the Nation's largest private investor in residential mortgages, provided the long term financing at the attractive rate of 8 1/2 percent for 25 years in the amount of \$855,000. These are very favorable terms for larger investment apartment properties.

The city of Lincoln provided \$179,000 in tax increment financing and \$99,000 from their community development block grant allocation. These are the actions of a caring and committed city government.

The Mega Corp. raised \$770,000 in equity funds under incentives provided by provisions of the low-income housing tax credit; this credit was permanently extended during the 103d Congress.

This is a shining example of how neighborhood organizations, local government and the private companies can work together, utilizing Federal incentives, local resources and private capital, to produce affordable housing. ●

SMALL FIXES ARE NOT ENOUGH

● Mr. DASCHLE. Mr. President, as Congress debates various health reform options, it is crucial we give each proposal the same scrutiny and critical analysis we are devoting to the President's plan. With this premise in mind, I would like to call my colleagues' attention to a recent editorial in the New York Times. Written in response to public criticism of the institutional reforms recommended by the President, this editorial points to some of the shortcomings of the small fixes approach advocated by some Members of Congress.

The editorial asserts that tinkering is not enough. It suggests that small-fix insurance reforms would not be easily enforceable, and that if the currently unregulated market is left alone, Congress will remain in the position of responding to specific abuses by passing 13 trillion pages of rules to stop these practices. The Times editorial also suggests that a more effective, less regulatory way to address this issue is to establish mandatory purchasing cooperatives, or health alliances, that would make every policy equally accessible to everyone in their region.

Since even alliances will be unable to stop all insurance discrimination, the editorial asserts that a standard set of benefits must be a keystone to the plan. This means that insurers will have to provide an identical set of benefits to every enrollee. Minimal fixes, on the other hand, cannot achieve coverage of all the uninsured, will allow for exclusion of pre-existing conditions even if only for a limited time period, and cannot achieve real portability.

The Times editorial concludes with the following statement:

Every American ought to have coverage that is portable, community-rated and guar-

anteed—operating through a system that is fair, dependable, and free of loopholes. Alliances and a standard benefits package look like the best road to those goals. Anything less does not deserve to be called reform.

That conclusion merits the serious reflection of all who are interested in the health reform effort.

I ask that the full text of the New York Times editorial be printed in the RECORD.

The editorial follows:

HEALTH TINKERING IS NOT REFORM

Representative Pete Stark, the California Democrat who heads a House subcommittee on health policy, says that Congress ought to scrap the purchasing cooperatives, or alliances, that lie at the core of the Administration's health care bill. The Senate minority leader, Bob Dole, and another Republican Senator Phil Gramm of Texas, say that Congress ought to gut the other institutional reforms proposed by the President as well—and stick to small fixes. In the next few weeks Congress will decide whether it will overhaul or merely tinker with health care.

Tinkering is not enough. To see why, imagine that Congress takes the go-slow approach and does little more than require insurance companies to make their policies *portable* (workers can keep the policy when they leave their current employer), *community rated* (the chronically ill pay the same premiums as the healthy) and *guaranteed* (insurers are required to sell to applicants regardless of preexisting medical conditions).

These small-fix insurance reforms are not enforceable if Congress leaves the current unregulated—and uncompetitive—market largely in place. The Government would find it difficult, for example, to check whether insurance companies were serving all potential applicants. Did the insurer recruit only in Scarsdale? Did the insurer answer phone calls from potential applicants in Harlem? Did the insurer tailor its benefits package so that AIDS patients would not apply?

Congress could, of course, enact 13 trillion pages of rules to stop these practices. But a more effective, less regulatory answer is to require most individuals or their employers to buy coverage through a cooperative, or alliance. The alliance, not the insurers, would then make every policy equally accessible to everyone in the region. The alliance is also positioned to transfer money from insurers who, through trickery or happenstance, do not enroll many AIDS patients to insurers who do; that is the only effective way to force insurers to serve the chronically ill.

Even the power of the alliance will probably not stop insurers from all discrimination. So Congress will need to insist that insurers provide an identical set of health benefits—known as a standard benefits package—to every enrollee. That way policies cannot be crafted to attract only healthy applicants.

Minimal fixes would leave too many loopholes. If each of us is guaranteed the chance to buy coverage whenever we want at community rates, none of us who have a choice about coverage—who are not automatically insured through work—will buy until we get sick. That would leave only the sick to buy coverage—at what would have to be prohibitively high premiums. Under such rules, 20-something-year-old couples would wait till the wife becomes pregnant before purchasing insurance.

Advocates of small-fix reform would almost certainly have to allow insurers to exclude coverage for preexisting conditions for

at least, say, nine months. But that provision would leave millions of Americans temporarily unable to get insurance and would not stop many others from gambling that they could do without insurance—knowing they could always flee to the nearest emergency room largely at public expense. The solution is to make insurance mandatory, as President Clinton proposes, so that no one, when well, can skip paying premiums.

Real portability is another fix that takes more than a flick of the legislative pen. Congress may promise workers that they can continue to buy their old policy after they change jobs; but what good is that promise if their new employer doesn't include the old plan amount available health-care options? Again alliances are an answer. If people get coverage through alliances, rather than employers, they would retain access to their old plans as long as they continued to work in the same region.

Every American ought to have coverage that is portable, community-rated and guaranteed—operating through a system that is fair, dependable and free of loopholes. Alliances and a standard benefits package look like the best road to those goals. Anything less does not deserve to be called reform. ●

THE ELECTION OF JUDY OLSON AS PRESIDENT OF THE NATIONAL ASSOCIATION OF WHEAT GROWERS

● Mrs. MURRAY. Mr. President, I would like to congratulate Judy Olson of Garfield, WA, for being elected the first woman president of the National Association of Wheat Growers. Judy has for years made an outstanding contribution to the agricultural community of Washington State, and I know the wheat industry nationwide will be well-served by her leadership.

Judy Olson is a fourth generation wheat farmer who also grows spring barley and lentils in eastern Washington. She was previously the National Association of Wheat Growers vice president and secretary, and has been a member of the association's board of directors since 1989. Judy has a long history of experience in the Washington wheat industry. Eight years ago, she was Whitman County's chapter officer. Then, in 1991, she became the first woman president of the Washington Wheat Growers Association.

Judy and I worked together when I was a member of the Washington State Senate on agricultural and conservation issues. She was an active and reliable spokesperson for the State wheat industry, and now I look forward to working with Judy on national wheat issues as part of the Washington State Congressional delegation.

Soon after Judy was elected president of the National Association of Wheat Growers, they announced a program of leadership development for women in the wheat industry. The association has recognized the major role women play on family farms around the country. As a mother who also works, I am well aware of the role women play in the workplace. There is

no better person than Judy Olson to introduce women wheat producers to the many ways they can make themselves effective beyond the farm, helping their industry and their State and national organizations. Farming communities depend on hard workers, and women have always played a major role in most family farming operations. Because of dedication like Judy Olson's, the wheat industry will have a new source of future leaders. Judy is a true pioneer and role model. She will continue to make us all proud. •

THE BENEFITS OF SKIING ON THE GREEN MOUNTAIN NATIONAL FOREST

• Mr. LEAHY. Mr. President, I want to bring attention to one of the many benefits the Green Mountain National Forest provides to the American people, and especially to the people of Vermont.

Because of the many benefits of public lands, building the Green Mountain National Forest has been a top priority during my 20 years in the Senate. The forest has grown to about 350,000 acres, and we still have a backlog of 25,000 acres of standing offers from Vermont landowners who want to contribute to the effort. I thank all the Vermonters who have helped us build the forest, and I hope to find enough money to finish the task.

The guiding principle in forest management is to guarantee for our children the natural beauty and resources of a healthy forest ecosystem. The Green Mountain National Forest is a commitment we make—in fact, an obligation we fulfill—to our children. We promise to share what we enjoy today with those who come tomorrow.

The skiing industry helps us fulfill the promise. Skiing is one of many uses that allows Vermonters to enjoy economic benefits today while protecting the long-term integrity of the land for tomorrow. In developing ski areas, many innovative and enduring partnerships have evolved. Communities, businesses, and the Forest Service have worked together to build economies based on sustainable natural resource use. In fact, Rutland, VT, was named one of America's "10 most livable ski towns" by *Ski Magazine*, a publication with 440,000 subscribers.

In the 1992-93 season in Vermont, there were 4.16 million visitor days. Over 3 million of them were out-of-State visitors who spent an average of \$76.80 per day for a total of \$235 million. During the President's Day Weekend of this year, several all-time records were set at Vermont resorts.

A healthy skiing industry contributes much to Vermont. The ski areas themselves pay approximately \$16.5 million in State and local taxes in Vermont. While the development of the industry has not been free of conflict, it

is important to recognize the benefits that the skiing industry provides to Vermonters and others as we work together to find the middle ground between resource use and conservation.

The 1994 January-February issue of *Snow Country* magazine—Volume 7, No. 1, page 79—ran an informative advertisement which described some of the environmental advances that ski areas have made as partners with the Forest Service. In addition, the *Burlington Free Press* published an article just a few weeks ago summarizing the benefits of the skiing industry. I ask that these articles be included in the RECORD at this point.

The articles follow:

[From the *Burlington Free Press*, Feb. 24, 1994]

THEY COME; THEY SKI; THEY SPEND—RESORTS COURT VERMONT'S ANNUAL WINTER INVASION BY LAND AND AIR

(By Aki Soga)

They're here.

Like an airborne force dropping behind the lines, a small contingent of fly-in skiers are landing in Vermont and making an economic impact far beyond their numbers.

But their invasion has not gone unnoticed. Some resort operators are betting the skiers will yield an even bigger crop of skies stepping off planes ready to pay top dollar for Vermont's brand of skiing.

"Burlington is the best airport in New England ski country," said Bob Gillan, vice president of sales and marketing for Sugarbush Resort in Warren. "I think there's a real future."

The future might include more people like Dave Roberts and Tom Caouette of Annapolis, Md., who arrived Wednesday at Burlington International Airport in South Burlington toting skis.

Caouette said that with business bringing them to Sugarbush resort, he expected to find some good skiing. "There could be many more trips," he said.

Still, even for resorts within an hour of Burlington, people who fly are among a small minority in the state's ski trade and not everyone is enthusiastic about the market. More than 90 percent of the state's ski business comes from within driving distance in New England, New York, New Jersey and Quebec.

Gary Kiedalsch, president of Mt. Mansfield Co., which owns Stowe Mountain Resort in Stowe, is one operator who sees little future in trying to draw visitors from distant markets.

"The cost of flying into the airport in Burlington is prohibitively expensive," he said. "You can fly into Denver or Zurich for less money than you can fly into Burlington from New York."

Burlington-bound flights aren't quite that expensive, but at least one travel agent concedes East Coast fares to Vermont are high, making trips to slopes in the Rockies more competitive.

"A 14-day advance (ticket) from LaGuardia is \$215 round trip," said Mary Ann Woods, owner of Travel Unlimited in Stowe. "Sometimes, you can go for low \$300s from New York to Utah or Colorado."

Vermont's real edge is its proximity to East Coast population centers, but if a skier has to plan two weeks in advance to get a plane seat at a reasonable price, he or she is more likely to look West, she said.

"It's not something someone can do on the spur of the moment," she said of the advance-purchase discount fares. "If they could all of a sudden * * * say, 'I'm going to fly up to Stowe this weekend,' it would be very beneficial, but they can't."

Despite disadvantages, some resorts find it tough to ignore the fly-in market, which offers a bigger bang for the marketing buck.

"The destination skier spends more than \$150 a day while he's here," Gillan said. "The day skier spends \$30 to \$40 a day."

Gillan's numbers are above the state's average for out-of-state skiers. A Vermont Ski Areas Association survey taken in the 1991-92 season indicated that the average visitor spent \$76.80 a day.

Still, with an average group of four people staying 4½ days, fly-in skiers are an attractive target.

"That's why he's an important person," Gillan said. "He's looking for a quality experience and he's willing to pay for it * * * as opposed to the guy who drives from Boston and looks for the best bargain at the lift ticket window."

Smuggler's Notch Ski Area in Jeffersonville is another resort putting a lot of effort into attracting fly-in vacationers.

"We definitely market to people flying into Burlington," said Steven Clokey, Smuggler's marketing director for group vacations and meetings. "We cater to people who are coming from great distances."

Scott Tobin, the resort's manager of vacation travel, said Smuggler's seeks an edge by targeting a niche and promoting its highly rated programs for children and younger skiers.

Those seeking the fly-in trade might be encouraged to find that Roberts and Caouette saw no problems with the air service to Burlington, despite being forced to drive to Philadelphia when weather closed their local airport.

"It's real easy," Roberts said.

[From *Snow Country*, Jan.-Feb. 1994]

SKIING IN THE NATIONAL FOREST

It took two summers for Vail, Colorado, to build the Two Elk restaurant that now serves skiers atop the famous Back Bowls. That's because Vail put a hold on chain saws and bulldozers during the prime building months of May and June when pregnant elk migrate to the valley below to bear their calves. With such a beneficent midwife protecting their maternity ward and open pasture created by ski runs, it's no wonder the elk around Vail Valley are flourishing.

The burgeoning elk population is one example of the rewards of the partnership between the U.S. Forest Service and the owners and operators of U.S. ski areas.

The thousands of skiers lifted to the top of a snow-covered mountain, whose spirits soar at the sight of forested peaks spilling into the distance, can thank that same historic partnership. How it benefits Americans is a story told on the following pages.

The first lift in the National Forest popped up in 1937 in Loveland, Colorado. Since then, the Forest Service has joined hands with hundreds of ski area operators to provide access to mountains in California's Tahoe National Forest (for example, Alpine Meadows, Squaw Valley, Sugar Bowl); Colorado's White River National Forest (Aspen, Breckenridge, Copper, Keystone, Vail); Montana's Gallatin National Forest (Bridger Bowl); New Mexico's Carson National Forest (Red River, Taos); New Hampshire's White Mountain National Forest (Loon, Waterville); and Vermont's Green Mountain National Forest (Mt. Snow, Sugarbush).

Of 529 ski areas in the United States, 137 operate on Forest Service land, including most of the major destination resorts.

A skier poised to plunge down Jackson Hole, Wyoming's Corbet's Couloir or Sun Valley, Idaho's Exhibition can sing out literally and figuratively, "This land is my land."

That's because nearly 100 years ago farsighted public servants—including President Theodore Roosevelt and Gifford Pinchot, the first Chief of the Forest Service—safeguard most of the major peaks in the Rockies, the Wasatch and elsewhere by declaring them public lands and holding them in trust for the American people.

Millions of acres are categorized as Wilderness, secured against further development and limited to backpacking visitors. Other tracts, like Yellowstone National Park (administered by the Department of the Interior), encourage vacationers to camp, hike and explore (but don't feed the bears).

The National Forest System, administered by the Department of Agriculture's Forest Service, goes further still. As stewards of 191 million acres of National Forest land, the Forest Service oversees special uses like logging, mining, grazing, management of water resources, and the more than half billion visitors who visit National Forests in search of recreation.

Recreational activities include hiking, camping, picnicking, fishing, hunting, hang gliding, rock climbing, white-water rafting, mountain biking and downhill and cross-country skiing.

The downhill ski area operators and the Forest Service have established a partnership that is a prototype for the private/public relationship called for by economists and commentators who view with alarm the deteriorating quality of American life.

With their lift systems and summit restaurants, ski areas provide summer and winter access to mountain peaks that would otherwise be out of reach to millions who cannot or do not choose to climb thousands of vertical feet. In 1992, the National Forests welcomed nearly 31 million visits from downhill skiers.

The numbers are all the more remarkable because ski area operators lease less than 1/20th of 1 percent (.05%) of National Forest land.

The 137 ski areas compete head to head with the 4,500 Forest Service campgrounds in the amount of money they return to the agency in fees alone. Last fiscal year, it was \$16 million, about 10 times as much as it cost the Forest Service to administer the ski areas. That doesn't count the more than \$4 billion in private funds it would cost to replace lifts, buildings and infrastructure.

The fiscal return from ski areas doesn't benefit only Washington, D.C. By permitting the National Forests to be developed for downhill skiers, the Forest Service has punched up the economies of faltering mountain towns, where mining and farming have petered out. Studies by Snow County magazine, the National Ski Areas Association and the Vermont Ski Areas Association confirm the economic lift that comes to communities at or near thriving ski areas.

For instance, during the 1991/92 ski season, more than 17,600,000 lift tickets were sold in the Rocky Mountain region. Combined with the money spent on lodging, meals, entertainment and merchandise by the visitors, as well as dollars laid out by the ski area operators for salaries, supplies and other services, the Rocky Mountain ski areas produced nearly \$4 billion in gross revenues and ac-

counted for nearly 110,000 jobs related to ski area operations.

In Vermont, the numbers were similarly positive. One study shows that rural towns in Vermont at or near ski resorts make a positive contribution to the state treasury, while comparable towns without ski areas cost the state. The town of Warren with the Sugarbush ski resort netted Vermont's General Fund \$1,563 per person in 1992, Roxbury, a town in the same county but without a ski resort, cost Vermont \$608 per person.

Snow Country's survey, a national study conducted by Professor John Rooney of Oklahoma State University, found dramatic growth in counties with major ski areas. For instance, in the decade from 1980 to 1990, 40 skiing counties experienced an average 163 percent growth in retail sales compared to an average 84.6 percent for the U.S. as a whole.

Jobs, revenues and taxes demonstrate that the ski area/Forest Service partnership is an economic multi-vitamin for rural economies.

Says Joe Prendergast, president of the Washington, D.C.-based American Ski Federation, "We're the little engine that drives a big economy."

Assistant Secretary of Agriculture Jim Lyons also applauds the effectiveness of the partnership between ski areas and the Forest Service.

"We're going to be making a major effort to expand recreational partnerships in the National Forests," says Lyons. "We can use the relationship with ski areas as a framework to explain to the public how it can work."

In addition to helping drive the little engine that could, the Forest Service returns 25 percent of the revenues it collects from user fees to states with National Forests.

Because the rebate is considered as payment in lieu of property taxes, the states earmark the money for roads and education, not for recreation. Still, those rebates indirectly benefit skiing communities if the improved highways lead to the mountains and the education helps provide a skilled labor force.

BUILDING A SKI AREA IN THE NATIONAL FOREST

The 1891 Forest Reserve Act first threw a cordon around forest land. Subsequent legislation opened the forest preserves for multiple use. That included timbering, but the emphasis of the early laws was, and continues to be, on conserving America's extraordinary mountain landscapes for its citizens.

With the celebrated rope tow installed at Woodstock, Vermont, in 1934 and the first chairlift at Sun Valley, Idaho, in 1936, skiing began to blossom. The 1960 Winter Olympics at Squaw Valley, California, fanned interest in this exciting—and with medals won by U.S. skiers Penny Pitou and Betsy Snite, newly glamorous—sport.

In the next 15 years, ski area developers worked closely with forest rangers, who had considerable discretion in approving or disapproving development in the National Forests. Together, they oversaw the birth of more than a dozen major ski areas. Here came Vail, Colorado, with its planned pedestrian village; Taos, New Mexico, with its European-style lodges; Jackson Hole, Wyoming, playground for experts; Loon Mountain and Waterville Valley in New Hampshire's White Mountain National Forest.

The National Environmental Policy Act of 1969 put a brake on ski area development—as it did on any development on federal land or funded by the federal government.

And probably a good thing, too.

While ski area developers have always been rated sensitive to the environment, the new

laws gave both ski area operators and the Forest Service opportunity to reflect.

Compared to the early years, when cut-and-slash was state of the art, "environmental practices and awareness have evolved," says Vern Greco, president and CEO of Colorado's Purgatory-Durango ski area and chairman of the National Ski Areas Association Environment Committee.

"We were all more naive then," adds a Forest Service veteran. "Now ski areas are far more sophisticated" in managing the environment.

They have to be to cope with more stringent criteria and steps to development that are geometrically more complex. One New England ski area has struggled with an expansion plan for eight years, reducing its original proposal from eight lifts to one, and 33 trails to six in an effort to overcome objections.

While many ski area operators grumble about the expensive, time-consuming and sometimes confrontational process, they comply with and even enhance the specifications for erosion control, wildlife protection, clean air and water, and vegetative management.

Says Jerry Groszold, president of Winter Park, Colorado, which has a four-person planning staff, "We're a better resort because of it."

From afar, the approval process resembles a lively square dance. The Forest Service, with a master plan for each National Forest including potential ski development or expansion, is the caller. The hopeful ski area developer, with a financial partner, is the lead couple.

The first call is for an Environmental Impact Statement. The EIS must account for the development's effects on wildlife (swimming, crawling, walking or flying), on vegetation ranging from indigenous wildflowers to old-growth forest on soil composition and stability, on water quality and quantity, on air quality and more. It must also show the effects of alternative plans, including no development at all.

The EIS is a public document; community groups and other branches of government—state, county, local and federal—are invited to do-si-do in with comments and criticism.

The Forest Service may halt or delay the proceedings at any point on its own or at the behest of agencies like the Army Corps of Engineers (if the issue is one of wetlands), the Environmental Protection Agency (clean air), or Fish and Wildlife (endangered species). Some state laws, like Vermont's Act 250, present their own stiff environmental standards. Citizen groups may raise reasonable—or sometimes unreasonable—concerns.

The local Forest Service representatives corral the pertinent issues and promenade forward a custom-tailored interdisciplinary advisory team. Depending on the site, the team may include not only representatives of local zoning and transportation agencies, but such experts as a biologist, an economist, a landscaper, a sociologist or historian, and even an archaeologist (if, for instance, a dig site is in the potential permit area).

Research in hand, the Forest Service reviews the proposal, along with plans for mitigation of any unresolved problems. If the plan is accepted, a special use permit is issued. All parties must follow through with their responsibilities: local governments with zoning and planning; federal agencies with oversight of pertinent regulations; and ski areas with mitigation of environmental issues.

MITIGATION IS THE MAGIC WORD

Mitigation is 1990's bureaucratise for "let's talk." How can this problem be solved? A ski

area and its Forest Service partners often find creative and far-reaching solutions to stubborn dilemmas.

For example, building lifts. In the past, erecting a new chairlift called for cutting zig-zag roads up the mountain to bring in construction vehicles and materials—bulldozers, lift towers, concrete for footings—and carry out debris, including felled trees. The consequences: soil erosion, uncontrolled water runoff, disturbed wildlife habitat, and ugly slashes up and across the mountain. The solution: helicopters.

Keystone, Colorado, in the early 1970s, pioneered airlifting raw material onto the mountain. Now helicopters are routine for major lift installations.

Cutting trails: Mitigation may require trails to deviate from the original layout to avoid nesting areas or feeding grounds preferred by local wildlife. Esthetics also count. Ruler-straight cuts have been replaced by "feathered" edges on the trails. Islands of trees relieving expanses of wide intermediate terrain are common practice.

Soil erosion: Routinely mitigated by planting grasses and grains on ski trails, erosion control has been elevated a notch by introducing particularly tasty varieties to tempt skier-shy animals and birds to the slopes in spring and summer.

Water run-off: Whether it's natural or man-made, melting snow is channeled to avoid the willy-nilly cascades that pulled silt and debris from ski trails into streams and ponds. Bear Mountain, California, dug a series of ponds below heavily traveled areas on the mountain to capture sediment from crucial run-offs. The ponds do triple duty, filtering water that eventually makes its way to Big Bear Lake and attracting mountain wildlife to abundant vegetation along their banks. Plus, in summer, the rich sediment is recycled as top soil for revegetation projects elsewhere on the mountain.

Avoiding wetlands: Fragile wetlands and riparian zones, which have their own ecology, are most often found at the base of a ski area, bordering streams or ponds or in the vicinity of underground water. To circumvent wetlands, ski area planners may reposition base lodges and parking lots, or as at Keystone, build walking bridges across the delicate zones.

Land exchanges are another tool used effectively in the mitigation process.

According to Jerry Blann, general manager of the Lake Catamount, Colorado, development and chairman of NSAA's Public Lands Committee, the Forest Service can drive a hard bargain. Unable to avoid damage to some of the extensive wetlands in its permit area, Catamount bought hundreds of acres of nearby ranchland and arranged a 10-to-1 exchange with the Forest Service—10 acres for the Forest Service, 1 for Catamount.

Snowmaking: The source of water for snowmaking often rouses stormy debate between environmental groups and ski areas. What's usually at stake is not whether downstream communities will suffer drought, but the quality and quantity of water flow that will ensure a healthy fish population. Computerized snowmaking and arduous analysis of alternative water sources plus efforts to restock streams and ponds have defused some of the concerns.

The Federal Bureau of Reclamation, which oversees dams, has even approached Colorado ski areas for advice on using snowmaking technology as a tool for improving water quality.

Some problems don't require high-tech solutions. For instance, a rancher attended a

community meeting to complain that the neighboring ski area's night lights, miles away, kept him awake at night. It turned out that the light, pointed skyward, were deflected off the low cloud cover into his bedroom window. Solution: point the lights down.

SKI AREAS MOVE AHEAD ON THE ENVIRONMENT
Even without the nudge of the Forest Service, ski areas are becoming more innovative and involved in protecting the health and beauty of the mountains.

The windswept ridge at the top of Mammoth Mountain resembles Arctic tundra, not hospitable to vegetation at best. The loose dry pumice soil was a target for erosion, as the winds blew away any seed that might take root in the unfriendly conditions. Mammoth invested heavily in expert advice.

Cocoa matting was the answer. Seeds of indigenous plants like manzanita are secured by the tangled fibers, giving time for seedling roots to find their way to the soil beneath. Ingenious.

Last year, Beaver Creek, Colorado, signed on with the Wildlife Habitat Enhancement Council (WHEC), a not-for-profit organization that works with corporations to seek creative solutions to dwindling wildlife habitat. Beaver Creek's plan is simple. Drill holes in dead trees ("snags") in the forest, providing cozy nests for small animals. Instead of dragging out or burning trees cut in maintaining or developing trails, stack the logs in the nearby woods. They become a condo (no hot tubs) for small animals like squirrels, gophers and ermine.

Larger animals also find ski areas wildlife friendly.

"The elk are smart," reports Copper Mountain's CEO Harry Mosgrove. "They know we don't allow hunting on the mountain, so they start showing up here in October (the beginning of the hunting season)."

Recycling is commonplace at ski areas. Many ban styrofoam and paper products altogether, replacing them with ceramic or glass dishes and metal flatware in meal service areas.

Others, like the Aspen Skiing Company, sponsor shuttle services to reduce car emissions.

"Skiers come to the mountains because they are beautiful. It's not good business to damage that setting," comments ASF president Prendergast.

GROWING COMMUNITIES

Although the Forest Service encourages pedestrian villages like Copper Mountain, Colorado, and low-cost employee housing at the base of its permit areas, neither the Forest Service nor the ski areas can control the development of communities on private land. Some were there long before the ski area.

Mountain communities near ski areas, according to John Rooney's Snow Country survey, are among the most rapidly growing in the country. Growth means jobs, a blossoming economy, and welcome amenities. It also means noise, traffic, pollution and at least during high tourist season, overcrowding and overburdened resources. Many mountain communities are moving to restrict development and contemplating their own master plans.

WHAT'S IN THE FUTURE

Four seasons on the mountain: biking, music and film festivals and education are all summer and fall activities that ski areas have explored successfully with the encouragement of the Forest Service.

Snowbird, Utah, hosts a prototype ski naturalist education program, with volunteers

trained to offer interpretive tours of high-altitude ecology. Some ski areas are adding environmental messages to their in-house TV networks. Others are inviting school groups to explore the mountain environment.

As for new ski areas: a few are in the planning stages, but most ski area development on National Forest land is likely to be in the nature of expansion.

With that expansion will come new sophistication about environmentally sound construction techniques. Computerized systems will streamline presentation of alternative plans and forecast more accurately their impact on soil, water, animal and plant life as well as on the ski experience.

No computer can graph the pleasure skiers find in the beauty of winter in the mountains. That beauty is accessible to millions—beginners and experts, grandparents and grandchildren, disabled and enabled alike—thanks to the farsighted conservators who preserved the National Forests and the partnership between U.S. skiing and the U.S. government. ♦

TRIBUTE TO MATT MORRIS: LOUISVILLE NATIVE WINS JEOPARDY TEEN TOURNEY

♦ Mr. McCONNELL. Mr. President, I rise today to pay tribute to a young man for his outstanding recent accomplishment. Matt Morris of Louisville, KY, recently competed in and won the Jeopardy Teen Tournament, and took home \$29,601. It gives me great joy to honor this fine young man because not only is he a native Louisvillian, but also attends Manual High School, my alma mater.

Matt utilized a combination of intelligence and savvy to come out on top of the week-long competition. After first being selected from over 1,000 applicants, Matt outlasted 14 other competitors to reach the final round. Although he was second after the first round of the finals, he came back and won with some aggressive wagering on the final question.

This is not the first time Matt has fared successfully in this type of competition. He has guided Manual's quick-recall team to the Jefferson County Public Schools championship several times. He has applied to several top colleges and plans to use some of his winnings to help pay his way through school.

I ask my colleagues to join me in honoring this impressive accomplishment. In addition, I ask that an article from the March 2, 1994, *Courier Journal* be inserted at this point in the RECORD.

The article follows:

MANUAL'S MATT MORRIS: WHO WON FAME, CASH AND MORE THROUGH "JEOPARDY" TEEN TOURNEY?

(By Gayle Pressman)

Ever since Manual High School senior Matt Morris went on the "Jeopardy" television show in January—even before millions saw him become the 1994 Teen Champion and win \$29,601 on last week's taped show—the eastern Jefferson Countian has been a celebrity.

Matt has heard from relatives and strangers nationwide, he's taken some good-natured razzing by the Jeopardy production crew and his friends; and he's been interviewed by radio, television and newspaper reporters.

He's handled it all as he's handled every other academic honor in his life—with incredible cool.

"I was surprised the media made such a big deal about my being on the show," said the state's second-ever Governor's Cup champion in two categories. "I just wanted to give it my best shot and have fun."

That's Matt's approach to most everything, said his father, Jack Morris.

"Judy and I are real proud of Matt, and we get excited. He's always telling us to calm down, even when the phone keeps ringing; and there's a legal pad full of messages" from well-wishers.

Matt, who turned 18 between the "Jeopardy" tournament's taping Jan. 3 and 4 and its airing the past two weeks, said his calm nature helped him win, even after he finished second in the first half of Thursday's and Friday's finals.

"I didn't get rattled when I got behind," he said. "I was excited about being on TV, but I've been a lot more nervous with little competitions without cameras."

In Friday's championship game, Matt risked \$12,201 of his \$13,800 total for the day on the final question. "It was a once in a lifetime thing, so I wagered a lot."

If talent and luck were his, Matt reasoned, his cumulative total from Thursday's \$3,600 score and Friday's outcome would give him the championship by \$1.

He figured right, even after all three finalists came up with the right question—"Who is Scopes?"—for the answer "In 1970 he made his first visit to a Tennessee classroom since his conviction 45 years earlier."

"I knew I had won, so I made a poker face," Matt said.

Matt, who was notified by postcard that he'd been chosen as a contestant after he auditioned late last year in Orlando, Fla., was accompanied to "Jeopardy's" Hollywood studios by his mother and his older brother, Jonathan, a former academic scholar at Manual and Matt's No. 1 cheerleader.

His sister Ashley, a Manual sophomore, and father waited anxiously at home, off Brownsboro Road near Zachary Taylor National Cemetery.

Now the family is waiting to find out whether Matt will compete in "Jeopardy's" \$100,000 adult Tournament of Champions next fall. His win put him in line for a berth in the 15-seat contest, depending on how many five-time-undefeated champions the show has by then.

But Matt isn't wasting time wondering about that. With help from his winnings, he'll be majoring in math next fall at one of four colleges he still has to decide on—Rice, Duke, Yale or Princeton.

Nevertheless, he'll "always remember the teen tournament. I wanted to be on Jeopardy since I was 13."■

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103-23

Mr. FORD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from two treaties with the United Kingdom establishing maritime boundaries between our respective Car-

ibbean Territories (Treaty Document No. 103-23), transmitted to the Senate by the President today; and ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Treaty Between the United States and the United Kingdom on the Delimitation in the Caribbean of a Maritime Boundary Relating to the U.S. Virgin Islands and Anguilla and the Treaty Between the United States and United Kingdom on the Delimitation in the Caribbean of a Maritime Boundary Relating to Puerto Rico/U.S. Virgin Islands and the British Virgin Islands, with Annex. Both treaties were signed at London, November 5, 1993. I also enclose for the information of the Senate the report of the Department of State with respect to these agreements.

The treaties establish maritime boundaries between the United States and the United Kingdom relating to our respective Caribbean territories. One treaty creates a 288 nautical mile long boundary between the United States territories of Puerto Rico/U.S. Virgin Islands and the British Virgin Islands. The other treaty establishes a maritime boundary 1.34 nautical miles in length situated about 40 nautical miles from the U.S. Virgin Islands and Anguilla.

The boundaries define the limits within which each Party may exercise maritime jurisdiction. In the treaty creating a boundary with the British Virgin Islands, this includes territorial sea, fishing, and exclusive economic zone jurisdiction. The boundary with Anguilla separates fishing and exclusive economic zone jurisdiction.

I believe the treaties to be fully in the interest of the United States. They reflect the tradition of cooperation and close ties the Parties have had in this region. These boundaries have never been disputed. The boundary lines established by the treaties formalize the practice that both Parties have followed since 1977 concerning these maritime limits. In establishing the equidistant boundaries, both sides have worked closely together in applying modern surveying techniques and precise technical calculations. The treaties will permit more effective regulating of marine resource activities and other ocean uses.

I recommend that the Senate give early and favorable consideration to

these treaties and advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 9, 1994.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS OF 1993

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1284, a bill to amend the Developmental Disabilities Assistance Bill of Rights Act to expand or modify certain provisions relating to programs for certain individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

(The text of the House message pertaining to S. 1284 will appear in a future edition of the RECORD.)

Mr. FORD. Mr. President, I move that the Senate disagree to the House amendments to the Senate bill and request a conference with the House on the disagreeing votes of the two Houses, and that the chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. KENNEDY, Mr. HARKIN, Mr. METZENBAUM, Mrs. KASSEBAUM, and Mr. DURENBERGER conferees on the part of the Senate.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER MODIFICATION—TECHNICAL CORRECTIONS TO S. 1458

Mr. FORD. Mr. President, on behalf of Senator KASSEBAUM, I ask unanimous consent that the modification of S. 1458 agreed to earlier today be further modified with the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The further modification is as follows:

1. Strike the word "pre-market" in "Sec. 1119 (b)(1)."
2. Strike the word "claimant" in "Sec. 1119 (b)(2) and insert "person for whose injury or death the claim is being made."
3. Strike the word "claimant" in "Sec. 1119 (b)(3) and insert "person for whose injury or death the claim is being made."

ORDERS FOR THURSDAY, MARCH 10, 1994

Mr. FORD. Mr. President, on behalf of the majority leader I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m., Thursday, March 10; that following the prayer, the Journal of proceedings be approved to date and the time for two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 9 a.m., with Senator REID permitted to speak therein for the entire period reserved for morning business; that at 9 a.m., the Senate resume consideration of Calendar No. 165, S. 4, the National Competitiveness Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 8:30 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, and if there are no other Senators seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:18 p.m., recessed until Thursday, March 10, 1994, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 9, 1994:

THE JUDICIARY

BILLY MICHAEL BURRAGE, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN, EASTERN, AND WESTERN DISTRICTS OF OKLAHOMA, VICE H. DALE COOK, RETIRED.

CLARENCE COOPER, OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE RICHARD C. FREEMAN, RETIRED.

DENISE PAGE HOOD, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE GEORGE E. WOODS, RETIRED.

TERRY C. KERN, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

SOLOMON OLIVER, JR., OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE ALICE M. BATCHELDER, ELEVATED.

RICHARD A. PAEZ, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

HOUSE OF REPRESENTATIVES—March 9, 1994

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

For all Your gifts of life and love,
We offer thanks to You above,
O God, we pray that this day we,
Our hearts unite in trust with Thee.
Bless all who come to You in peace,
May all the burdens find release,
And may Your blessings bless us all,
Until we hear Your final call. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. BONIOR] come forward and lead the House in the Pledge of Allegiance.

Mr. BONIOR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 313. An act to amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, and for other purposes.

S. 476. An act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

The message also announced that pursuant to Public Law 102-166, the Chair, on behalf of the majority leader of the Senate and the Speaker of the House of Representatives, appoints Mr. John Jenkins of Maine, as a member of the Glass Ceiling Commission, vice Marion O. Sandler, resigned.

LET THE SPECIAL PROSECUTOR DO HIS JOB

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BONIOR. Mr. Speaker, the Republican call for congressional hearings into Whitewater is nothing but partisan politics.

The fact is, a special prosecutor is already looking into Whitewater.

He himself is a Republican.

In a letter to the Senate Banking Committee 2 days ago he said, and I quote:

Inquiry into the *** events *** surrounding Whitewater by a Congressional Committee would pose a severe risk to the integrity of our investigation ***

We request that your Committee not conduct any hearings in the areas covered by the grand jury's ongoing investigation *** to preserve the fairness, thoroughness, and confidentiality of the grand jury process.

Mr. Speaker, that is what the special prosecutor said. And he is a Republican.

And I think it is time to stop playing partisan politics, get back to governing, and let the special prosecutor do his job.

PASS A TRULY BALANCED BUDGET

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, tomorrow this body will begin debate on the Clinton budget which increases our national debt by almost \$2 trillion over the next 5 years. But the balanced budget task force has an alternative to that kind of fiscal irresponsibility.

Our budget, that we will present on the floor tomorrow, balances the budget within 5 years. It does that by cutting over \$600 billion in Federal spending with over 500 specific cuts. It does not raise taxes, it does not touch Social Security trust funds, it does not touch earned veterans' benefits. It does restore the defense budget which was decimated by the Clinton plan. And 4 years from now we will have a balanced budget with a surplus of \$5 billion; in the 6th year we will have a surplus of \$5 billion, and that is going to help restore fiscal responsibility to this Congress. We do it by cutting and consolidating and terminating and eliminating and privatizing and contracting out and merging and selling off many Federal portfolios. We tighten the belt of the Federal Government, which is what the American people want.

I ask Members to vote for this balanced budget tomorrow.

PROTECTING VICTIMS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Jeffrey Dahmer was interviewed on TV and he said he still yearns to kill people and in fact to eat human flesh. He said he just cannot get it out of his mind, the power, the complete control.

Unbelievable, ladies and gentlemen. Jeffrey Dahmer should be executed, and the American taxpayer should not pay one more penny to keep this mad dog alive.

But the problem is, ladies and gentlemen, the Congress of the United States spends so much time debating the rights of Jeffrey Dahmer, we never get around to all of the record number of tombstones that keep popping up in this country like mushrooms.

I say it is time that Congress starts to debate the rights of victims in America and put these bums like Jeffrey Dahmer to death.

BALANCED BUDGET AMENDMENT

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, amending the Constitution is no small affair. But then again, neither is our national debt.

Eliminating this enormous deficit requires drastic action. Even something as drastic as amending the Constitution.

Mr. Speaker, I urge every single one of my colleagues to stand up and vote for this balanced budget amendment. Not only will it stop our skyrocketing debt, but it will do so without crippling the American people with more taxes.

Mr. Speaker, it is time that we take action, that this Congress do something truly important about the deficit and something to limit the amount of growth of our national debt. We have three choices: The Kyl amendment, the Barton of Texas amendment, and the Stenholm-Smith amendment. Anything else will be nothing but a fig leaf. Be prepared and be vigilant.

REPUBLICAN SHELL GAME ON WHITEWATER

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. RICHARDSON. Mr. Speaker, it looks to me like my colleagues on the other side of the aisle are trying to play an elaborate shell game on the American people. While they try to focus public attention on issues such as Whitewater, they hope the facts—that the Clinton economic policy is working and the economy is growing—gets missed.

The facts are clear for all to see. As a result of the President's economic plan last year, a plan that was passed solely by Democrats, things are looking up.

In 1993, nearly 2 million jobs were created—70 percent more private sector jobs in 1 year than were created in the previous 4 years.

Unemployment is down by the largest annual drop in 6 years.

The deficit, as a percentage of GDP, is the lowest it has been since 1979, a year before the disastrous 12 years of Reagan-Bush.

Interest rates are at 25-year lows and, as a result, five million American families have been able to refinance their homes.

Mr. Speaker. There is a wide gap between Republican rhetoric and economic reality. The economy is growing and President Clinton deserves the credit.

I include for the RECORD a letter sent to the chairman of the Banking Committees in both the House and Senate from Mr. Robert Fiske, independent counsel, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INDEPENDENT COUNSEL,
Little Rock, AR, March 7, 1994.

Hon. DONALD W. RIEGLE, Jr.,
Chairman,

Hon. ALFONSE M. D'AMATO,
Ranking Minority Member, Committee on Banking,
Housing, and Urban Affairs, Washington, DC.

DEAR SENATORS RIEGLE AND D'AMATO: I am writing this letter to express my strong concern about the impact of any hearings that your Committee might hold into the underlying events concerning Madison Guaranty Savings and Loan ("MGS&L"), Whitewater and Capital Management Services ("CMS") on the investigation that this Office is conducting into these matters.

As you know, I was appointed to the position of Independent Counsel pursuant to CFR 603.1 on January 31, 1994. Since that date we have obtained an Order from Chief Judge Stephen M. Reasoner in the Eastern District of Arkansas authorizing the empaneling of a grand jury which will be devoted exclusively to the Whitewater/MGS&L/CMS investigation. In the meantime, we have been using the regular grand jury for this District. We have a team of eight experienced attorneys, six of whom were current or former prosecutors when they joined the staff. We are working in Little Rock with a team of more than twenty FBI agents and financial analysts who are working full time on this matter. We are doing everything possible to conduct and conclude as expeditiously as possible a complete, thorough and impartial investigation.

Inquiry into the underlying events surrounding MGS&L, Whitewater and CMS by a

Congressional Committee would pose a severe risk to the integrity of our investigation. Inevitably, any such inquiry would overlap substantially with the grand jury's activities. Among other concerns, the Committee certainly would seek to interview the same witnesses or subjects who are central to the criminal investigation. Such interviews could jeopardize our investigation in several respects, including the dangers of Congressional immunity, the premature disclosure of the contents of documents or of witnesses' testimony to other witnesses on the same subject (creating the risk of tailored testimony) and of premature public disclosure of matters at the core of the criminal investigation. This inherent conflict would be greatly magnified by the fact that the Committee would be covering essentially the same ground as the grand jury.

While we recognize the Committee's oversight responsibilities pursuant to section 501 of PL 101-73 (FIREAA), we have similar concerns with a Congressional investigation into the recently-disclosed meetings between White House and Treasury Department officials—particularly because we believe these hearings will inevitably lead to the disclosure of the contents of RTC referrals and other information relating to the underlying grand jury investigation.

For these reasons, we request that your Committee not conduct any hearings in the areas covered by the grand jury's ongoing investigation, both in order to avoid compromising that investigation and in order to further the public interest in preserving the fairness, thoroughness, and confidentiality of the grand jury process.

I will be glad to meet with you personally to explain our position further if you feel that would be helpful.

Respectfully yours,

ROBERT B. FISKE, Jr.,
Independent Counsel.

□ 1210

INTRODUCTION OF THE FISCAL RESPONSIBILITY ACT OF 1994

(Mr. SCHAEFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Speaker, President Clinton may be content with a deficit of only \$170 billion next year, but the taxpayers are not. To put Congress on the path toward a balanced budget, I have offered a substitute amendment to the budget resolution that orders another round of deficit reduction, under a reconciliation process.

The Schaefer substitute orders House committees to find \$560 billion in savings over the next 5 years—without tax increases. My substitute is the only budget resolution that has the strong enforcement mechanism needed to achieve substantial savings.

Best of all, the reconciliation bill is already written: H.R. 3958, the Fiscal Responsibility Act of 1994. This bipartisan package of 150 spending cuts, which I introduced last week, specifies line-by-line, program-by-program, how to achieve the savings required by the Schaefer budget substitute. I encourage my colleagues to support real defi-

cit reduction by voting for the Schaefer substitute.

EL SALVADOR NATIONAL ELECTIONS

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, El Salvador is preparing to hold its first national elections since the end of its 10-year civil war.

More than 75,000 people died in that conflict, and the U.S. Government spent more than \$5 billion on economic and military aid in support of the Government.

I was disturbed by a story on El Salvador in Sunday's New York Times. The article suggested that violence and intimidation are still viewed as acceptable tactics in Salvadoran politics, and it raised doubts about the fairness of the registration process for the upcoming elections.

Many Members of Congress care little about El Salvador now that the cold war is over, but we owe it to the Salvadoran people and to ourselves to watch what happens in these elections closely. Too much money was spent and too many lives were lost to think of El Salvador as yesterday's news.

EATING CROW

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, listen to all the crowing. I have never heard so many caws and cackles in my life.

Apparently, somebody just let the Democratic Party know that the economy is growing. That is a good thing.

As usual, though, the Democrats got it wrong. They have decided that their 6-month-old economic plan is responsible for a recovery that's 3 years old.

That is the plan that includes record new taxes, raises spending \$70 billion this year, and projects deficits that grow—not decline—through the year 2000. According to the Democrats, new taxes and higher deficits have improved the economy.

Well, I hate to burst the bubble, but someone should point out that the check for this little spending spree is not due until April 15. That is when Americans will realize the cost of the Democrat's agenda—even without socialized medicine—is not chicken-feed.

And that is when Americans will ask, "Who's responsible?"

So go ahead and crow now. Come next November, you will be eating it.

THE ECONOMY IS GROWING

(Mr. DERRICK asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, Washington is known as a town fond of inflated rhetoric. It is no surprise. Consider the cavalier manner in which truth was mishandled by opponents of the President's economic plan.

Last year Republicans in Congress made a simple prediction: "The Clinton tax plan will spur inflation, lose jobs, increase the deficit, and hurt our economic growth."

This year we know the simple truth: Inflation is under control. Jobs are being created. The deficit has been reduced. Our economy is growing.

Last year's rhetoric inflated a balloon. Republicans claimed was a black cloud over our Nation and its future. Now the balloon is burst, and what did it contain? Hot Air!

THE ROTH AMENDMENT TO H.R. 6

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, I will be offering an amendment to the education bill to preserve English as our common language.

My amendment will do away with the costly, bloated Federal program that has accomplished nothing in 25 years except impede immigrant children from assimilating into the American mainstream.

Mr. Speaker, Federal bilingual education was designed to teach English to the children of immigrants and to bring them into the mainstream as quickly as possible. But what have we gotten for our hundreds of millions of dollars every year? Dropout rates are still at 1968 levels. Young people are not learning English and, instead, they are being taught bilingualism that they learn in a different language and are segregated into linguistic groups.

We should all abhor this present trend.

Immigrant children are being condemned to economic second-class citizenship by a wasteful Government program. Bilingualism is a 1960's phenomenon.

Bilingualism and bilingual education have not been debated in this body for 25 years.

So I ask you, my colleagues, to join me in this amendment. Let us do something for America. Let us do something for our immigrant children.

Let us live our motto of one Nation, one people. We are all Americans, not hyphenated Americans.

THE KASICH BUDGET SUBSTITUTE

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, in an editorial on the Kasich budget substitute entitled "A Republican Budget," the Washington Post claimed:

A tax cut is the last thing the country needs. The credit Mr. Kasich proposes—\$500 a child for families—would be particularly wasteful.

Mr. Speaker, when have the editorial writers at the Post gone beyond the beltway and talked to middle-class families about their needs?

American families pay more in Federal taxes than for food, clothing, transportation, insurance, and recreation combined. And the personal exemption for children stands at \$2,350, well below the \$8,652 it would be worth had it been adjusted for inflation.

Maybe a \$500 per child tax credit seems wasteful to the editorial board at the Post. But take it from a father of four and grandfather of three, that is not what American families think. And recent polls showing two-thirds of Americans supporting the \$500 per child tax credit is evidence of that.

I urge my colleagues not to listen to the Washington Post, but to those who pay the bills for the Federal Government: American families. The Kasich substitute is not only a Republican budget—it is an American budget.

INCREASED PERSECUTION TAKING PLACE IN CHINA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, the Members should know that increased persecution is taking place in China as we now speak.

Secretary Christopher is going to China, and as he is flying to China, they are arresting human rights activists.

Second, if you read the National Journal this week, there is a report that a businessman, a Hong Kong businessman who was in one of the slave labor camps for 30 months, verified and saw 200 people executed; and their body parts are being sold for transplants around the world.

There is no way that the Clinton administration can send up MFN for China. I am here to announce if the Clinton administration sends up MFN for China, President Clinton's credibility will be zero. I am predicting that we in this body will never vote on the issue, because he has spoken out strongly in favor of human rights, and if he means what he says and he says what he believes, there is no way this body can ever deal with this issue of human rights, because frankly, we should never ever, ever, ever grant this barbaric nation MFN because of what it is doing to those of the Christian faith, those of the Dalai Lama and Buddhist, and also to the human rights activists in China.

No MFN for China.

THERE'S MORE TO BE CUT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, as budget season proceeds, majority leaders insist we have already cut spending to the bone. It is a hollow claim that does not ring true with taxpayers struggling with the largest tax hike in history and still facing a staggering national debt. Despite the rhetoric, the facts—undeniable facts—are that we continue to spend far beyond our means, funding redundant, wasteful and low-priority programs. Clearly we can make deeper cuts and we can start without tampering with crucial quality of life programs like Social Security and veterans benefits. I invite colleagues to look at House Resolution 377, the spirit of 76 package of 76 specific cuts totaling 285 billion over 5 years. In 1776 the people rebelled against an onerous government which was mismanaging taxation. Two hundred and eighteen years later the spirit of 76 survives. Regretably, so does increasingly onerous taxation under the Clinton administration. I urge my colleagues to give taxpayers a break by endorsing the cuts in H.R. 377.

□ 1220

DEATH PENALTY SHOULD BE RESTORED

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, as we begin contemplating the debate on the crime bill in the House, the American public should know that during the trial of the World Trade Center killers, those terrorists who killed six people, terrorized thousands, injured hundreds, and brought chaos to the city of New York and the surrounding area, that throughout that trial there was not one word spoken about the possibility of inflicting the death penalty on these intentional killings that were perpetrated by these terrorists.

Why is that? Have you ever asked yourself?

Well, No. 1, the State of New York has no death penalty even though the legislature has tried from time to time to do so. The Governor of that State has vetoed it every single time.

Under Federal jurisdiction we have no Federal law to cover that kind of activity.

Although we have been struggling for a generation to put back into the law the death penalty for those kinds of acts, we have been beaten down every single time by the liberal portions of this Congress.

We intend to try again this time.

THE HOUSE SHOULD HOLD HEARINGS ON WHITEWATER

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, I would like to make a quick comment about whether or not the House should hold hearings on the so-called Whitewater incident. I think it is the absolute responsibility of the Committee on Banking, Finance and Urban Affairs to hold hearings on the RTC regulation of savings and loans in Arkansas. I also think that comparing this to Watergate is essential; it is important, it is revealing. Watergate revealed a great deal of more information to the American people, and they are the ones who should know, than the independent counsel would have exposed to the American people had there not been hearings on Watergate.

Mr. Speaker, if we want to accept the responsibility as public officials to the American people, I think it is important for this Congress to hold hearings.

THOUGHTS ON THE BUDGET DEBATE

Mr. Speaker, I also want to make some comments about this huge deficit that we have in this country. Tomorrow there will be debates on the budget. On Friday there will be an amendment or there will be a bill by the gentleman from New York [Mr. SOLOMON], that will balance the budget in 5 years. It is for the most part an academic exercise. It may not pass, but it is important. It is vital for us to understand how we can compare the President's budget to a real balanced budget bill.

THOUGHTS ON THE RELATIONSHIP BETWEEN THE BUDGET BILL AND THE CRIME BILL

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, we are expected this week to begin debate on budget resolutions for the next fiscal year's financial spending and revenue plans. This week also various subcommittees of the House Committee on the Judiciary, of which I am a member, plan to begin taking up the crime bill.

Now, the important relationship between the two is that in the administration's proposed budget for the next fiscal year, the administration proposes to reduce the number of Federal personnel devoted to fighting violent crime. The administration proposes to reduce the number of personnel in the criminal division of the Department of Justice. The administration proposes to reduce the number of Federal criminal prosecutors in the States. The ad-

ministration proposes to reduce the number of personnel in the FBI and the Drug Enforcement Administration.

Interestingly enough, the administration proposes to increase the number of personnel assigned to the antitrust division of the Department of Justice. Now, of course, I have nothing against the antitrust division of the Department of Justice, but when the President of the United States came into this Chamber to deliver the State of the Union Address, he did not say that the American people were fearful of being mugged by a bunch of antitrust violators. He personally referred to violent offenders, and that is where the personnel should be increased, not decreased.

HEALTH CARE REFORM CONSENSUS

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker and my colleagues, as we are debating health care reform, consensus is being formulated. I am a cosponsor of a single-payer plan and also President Clinton's bill. But whatever bill we pass must have comprehensive mental health benefits.

Mental health benefits should not be a second thought; mental health benefits must be on a par with any other benefits that we offer in any final bill that passes this legislature.

It ought not to be phased in years from now; it ought not to be financed at a lesser level than any other ailment. Mental health needs to have parity because we do have problems. Mental health is a serious problem. I would find it hard to support any bill that does not treat mental health like any other illness in our mental health bill or any bill that we pass.

It is important to have universal coverage, it is important to eliminate pre-existing conditions, it is important to do all the things the President wants to do, but we must make sure mental health is part of the final package.

EARTHQUAKE PORK BILL

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today I am joining over 30 of my colleagues in introducing legislation to repeal \$33 million in wasteful spending that was included in an emergency spending bill to help victims of the recent California earthquake.

What happened here is proof positive of why the American people hold Congress in such low esteem. We were told by the House leadership that this funding bill would go to help the needy victims of the devastating earthquake in

California. It appears, however, that some of the aftershocks were felt in West Virginia, New York City, South Carolina, and Hawaii.

I am talking about the unauthorized \$20 million for an FBI fingerprint facility in West Virginia. I am talking about \$1½ million to secure a commercial ship for a museum in South Carolina. I am talking about \$10 million to redesign a post office in New York City. I am talking about \$1.3 million for sugarcane mill communities in Hawaii. What does any of this have to do with earthquake relief?

The legislation we are introducing today seeks to repeal this unauthorized, pork-barrel spending that had no business being included in the earthquake relief bill. Sooner or later, Members of Congress will feel the aftershocks of the voters if they keep spending our way into a fiscal disaster.

DEMOCRATIC LEADERSHIP: "I SEE NOTHING"

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, perhaps it should not have been surprising to have members of the Democratic leadership come to the floor today defending President Clinton in the midst of scandal after scandal rising in his administration. But it is somewhat surprising that the Democrats who have always been willing to investigate scandal are now unwilling to investigate scandal in the House committees.

It seems to me the Democratic leadership is developing what I would call the Sergeant Schultz defense.

Some of you will remember Sergeant Schultz. He was on the show called "Hogan's Heroes." He was the bumbling German sergeant who, when confronted with wrongdoing, would say, "I see nothing, I see nothing." Well, it seems to me that the Democratic leadership is now coming up with the same kind of strategy. While scandal after scandal mounts in this administration, the Democrats' response is, "I see nothing."

WHITEWATERGATE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, following up the comments of the preceding Member, I just have to say that there really are so many questions that have arisen about Whitewatergate in the press and in media commentaries throughout America over the last several weeks, it is absolutely astounding. The very same Members of Congress, who were aroused to outrage on behalf of the public good to demand an inves-

tigation of the fabricated October Surprise while journalists from liberal periodicals like Time magazine, the New Republic, and the Village Voice totally debunked the story; those same people who insisted that hearings were critically necessary despite the incredible lack of evidence; those same people today say no hearings are necessary.

It doesn't make sense.

□ 1230

It is mind-boggling, it is incredible, and it is just not justifiable. We need to answer these questions, and we should do so publicly in congressional investigation hearings.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The SPEAKER pro tempore (Mr. TANNER). Pursuant to House Resolution 366 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

□ 1231

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, with Mr. KLECZKA, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, March 3, 1994, title II of the bill had been designated and is now open for amendment.

Are there any amendments to this title?

AMENDMENT OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Florida: Beginning on page 240, strike line 1 and all that follows through line 4 on page 264 (and redesignate the subsequent subparts accordingly).

Beginning on page 264, strike line 5 and all that follows through line 4 on page 272 (and redesignate the subsequent subparts accordingly).

Beginning on page 284, strike line 9 and all that follows through line 5 on page 290 (and redesignate the subsequent subparts accordingly).

Beginning on page 290, strike line 6 and all that follows through line 7 on page 293.

Mr. MILLER of Florida. Mr. Chairman, this amendment would simply eliminate \$550 million per year in new spending added by the Education and Labor Committee—\$550 million in re-

dundant spending which has not even been requested by President Clinton in his budget.

This amendment represents one small step in my continuing efforts with my colleague from Ohio, Mr. BOEHNER, to achieve a fiscally responsible education bill.

It is hard to argue against spending money for education. This is a motherhood and apple pie type of issue. Ultimately, the deterioration of our educational system is one of the root causes of so many problems in our society, including escalating crime, the destruction of the family, drug abuse, teen pregnancy and welfare dependency.

But is more government the only solution, or is it part of the problem? I might note in passing that the more this Congress does to improve the American Education System, the more our children's education seems to deteriorate. Unlike some Members of this body, I do not believe that Federal spending, per se, is the key to improving education. Real reform should allow local school officials and parents the flexibility and choices to meet the goals and needs unique to their local educational system. As much as some in Congress and the Federal Government may like to think so, we are not smarter or wiser than the parents and teachers who are, and should be, responsible for the education of individual children.

Buried in this proposed legislation are a number of unnecessary spending programs, duplicative spending programs, wasteful spending programs, and bureaucratic mandates on local school officials. Contrary to what you may be hearing, none of these things will result in better education. Can we really afford, once again, to just throw money that we don't have at the problem?

In this amendment, we propose removing the Technology Assistance, Technology Research and Development, Educational Technology Products and Library Media Programs. These brand new programs total over \$550 million.

I have great respect for the need to fund education whether it is Head Start, K through 12, or higher education. I have two kids currently in college. I spent 10 years as a college student earning three university degrees. And I was an assistant professor of quantitative methods, teaching computer applications to MBA students. I recognize the importance of technology in education. But as a fiscal conservative, I cannot justify \$550 million of new spending of money we don't have, for a program that is already funded by chapter II funds. I am not opposed to the goals or objectives, I just believe we must set priorities on spending.

The first argument in favor of my amendment is simple: This is new

spending, not requested by the President.

Tomorrow, we will debate and vote on the 1994-95 budget—\$1.5 trillion of spending and a deficit of \$176 billion. Fortunately, the deficit is lower than last year, but by the end of this decade, it will be growing back toward \$300 billion. We have no plans to control spending, but today we are adding \$1.86 billion of new spending authorization that President Clinton did not request.

Next week, we will debate and hopefully pass, a balanced budget amendment. The only way to balance the budget is to control spending, yet this bill we are debating today increases spending. As important as education is, we cannot keep borrowing and going into debt. With major health care and crime legislation before us this year, we must set priorities. We cannot just spend, spend, spend—particularly when title II of this legislation already contains funding for the programs. Reinstated by the committee, title II authorizes \$435 million in block grants for school reforms and improvements through the purchase of technology and media services. The program funding I would eliminate is redundant with other provisions of the bill.

We love to talk about deficit reduction, but here is where the tough choices must be made. We have no other choice—must get serious about deficit spending. If you are serious about balancing the budget—if you plan to vote for the balanced budget amendment, as I do—you will vote to trim these unnecessary expenditures from H.R. 6.

The second reason to support this amendment: These new categorical programs will weaken the very successful and popular chapter II program. Chapter II is immensely popular because it is not bureaucratic, and is based on the fact that local educators and parents are the best authorities on the particular needs and priorities of their school district. Created by the Reagan administration in the early 1980's, chapter II lets the LEA's decide how to best invest scarce dollars to improve their education programs. Chapter II money can be and is used for exactly the same goals of these technology library programs.

The Federal Government provides almost 50 percent of all funds used to purchase software and hardware today in K-12. An enhanced chapter II, as proposed by my Republican colleagues, will accomplish the same goals, but with far less bureaucracy and redundant programs.

The new technology/library programs were added to H.R. 6 to replace chapter II. When chapter II was added back, the new technology/library programs were no longer needed, but were kept, thus creating redundant programs. They are both going to compete for scarce Federal dollars and probably both will be

underfunded. To maintain a strong chapter II, let's not have these competing library/technology programs.

Third and finally, these programs I propose to delete take a very bureaucratic approach, often tying the hands of local educators. If you think health alliances are complex and bureaucratic, you should look at the complexity and bureaucracy of the new technology programs—44 pages of bureaucratic programs.

Fortunately, this is not an unfunded mandate since we allow 10 percent for State and local bureaucracies. While this is elementary and secondary education, only 70 percent of the technology dollars go to K-12 since 20 percent goes to higher education and 10 percent to public libraries.

These new programs single out Library Media Services and Technology Assistance for funding, denying, therefore, schools that need services other than technology assistance or library services. Creating these new programs moves us inch by inch closer to dictating how the local school districts spend every cent of Federal funds to improve their schools. I'm reminded of what one of the superintendents in my district told me last week, "The Federal Government is not the local school board."

A vote for this amendment is not a vote against education spending. It is a vote against unnecessary and redundant education spending. By supporting our efforts to simplify H.R. 6, you will reaffirm our commitment to fiscal sanity, and you will give local educators the flexibility they deserve to decide what to purchase to improve their school.

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman's amendment would strike key portions of title 2 which are designed to increase opportunities for students to achieve high standards and to prepare for the 21st century. Specifically, the amendment would strike provisions on technology education, library media services, and Federal leadership technology. Providing teachers with opportunities to become more proficient in using technology as an educational tool is very, very important.

The gentleman's amendment would strike the Office of Technology Education, which is supported by the administration and for which the administration has requested funding.

Now, I ask the Members to listen to this: The amendment would strike assistance to libraries. The average copyright date of a book in the libraries of the schools in our country is 1965. Let me repeat: 1965 is the average copyright date of the books in our schools. That was before we landed a man on the moon. We are asking our kids to do their research, prepare their reports, and educate themselves, using books that we would hardly use here to do our research. It goes back to 1965.

This is an investment. The gentleman in his amendment is asking us to strike an investment in education.

Mr. Chairman, this program would have to compete with all the other programs before the Appropriations Committee, and we know that. But for heaven's sake, let us compete before the Appropriations Committee to get some up-to-date books and technologies in our schools.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when we began this debate, I indicated that when the staffs from both sides had completed their work, we had a good bill and we had a bill with a lot of merit and not many add ons. I also indicated that as we went through subcommittee and full committee markup, everyone had to have something, and so I mentioned all these items:

We had Library media, \$200 million; technology education, \$300 million; technology product development, \$50 million; rural education, \$125 million; urban education, \$125 million; school finance technical assistance, \$8 million; community arts partnership, \$75 million; school facilities/construction, \$200 million; charter schools, \$15 million; adding back star schools, \$10 million; civic education, \$15 million; national writing project, \$10 million; native Hawaiians, \$13.5 million; Women's Equity Act, \$5 million; territorial education programs, \$5 million; Ellender, \$4.4 million; and innovative elementary school transition, \$10 million.

And so then we end up at \$1.6 billion added to a bill that, as I said, when it came from the staff was a very good bill. All of these things, of course, are wonderful ideas, I am sure. All of them, I am sure, were very well thought out, but we are being asked as a committee, just like every other committee, to tighten our belts and show where savings can be made. But we are not doing that as a committee. We added 25 reporting requirements. I do not know how much that is going to cost local school districts and States, but I would imagine it is a considerable amount of money.

Yes, if we would only fund the mandates we already have out there, we could buy books that are in the year 2000 and above, but we send them all the mandates on special education and then send them 8 percent of the money. We send one mandate after another, and we do not send the money. So how can local school districts do the kinds of things they would love to do and would want to do if we as a matter of fact make them spend money on what we think is important?

The gentleman from Florida [Mr. MILLER] is not antieducation in any way, shape, or form. He is just trying to be responsible, as I said, and we as a committee are being asked by the Budget Committee to show where we

can come up with savings. We are going the opposite. We are showing where we can come up with additional spending.

Mr. REED. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

Mr. Chairman, this amendment seems to be terribly misguided, particularly when it comes to striking out funds for libraries, school libraries, to purchase books.

We in this country have had, fortunately, a historically long-term regard for education, for libraries, and for books, going back to Jefferson, who said, "I cannot live without books."

The sad truth is that today too many children in our schools are living without up-to-date modern books, and too many schools are unable to purchase the new means of communication, the computer programs, and the advanced media materials.

This legislation would give our schools the chance to do that, and I cannot think of a wiser investment than giving local schools resources to buy books and buy materials so that young people can learn.

Let me just step back historically. There was a targeted library acquisition provision in the original Elementary and Secondary Education Act of 1965. That is why the copyright average date of school books in the United States is about 1965, because the Federal Government was able to assist the communities in exactly the right kind of partnership.

Let them pick the books, let them have the programs, but give them some support. What happened is that in the 1980's this targeted program was put into a block grant. As a result, it competed against all the other programs, and libraries suffered dramatically, and today, if you go into a library in a school, you are likely to see old books. In my community you are likely to see libraries that have been crowded out of classrooms and into hallways.

We have to do something. This legislation is a positive, constructive, and sensible step to help our libraries. They are facing tremendous odds. The average per-pupil expenditure in 1989 and 1990 for library books in schools is \$5.48, and that is about half the average cost of a children's book.

How can they replenish their supplies if we do not give them some extra help? School library media expenditures fell about 16 percent since 1978 and 1979, when we abandoned this particular provision in the Elementary and Secondary Education Act. At the same time the cost of books has increased about 140 percent. We have to do something.

This is particularly the case in those rural schools that cannot draw on a strong property tax base to fund library acquisitions. In urban schools there is a crisis for the same reason.

Libraries do make a difference when it comes to education. According to a

1992 study in Colorado, test scores rise and fall with the fortunes of library programs. School Match, a company in Ohio that provides information on school districts to people who move into an area, found that there is a strong correlation between library expenditures and student achievement and student performance.

□ 1250

The purpose of this legislation today is to return to the spirit, and indeed the text of the 1965 act, where we give schools resources to go out and buy library books and academic media.

This bill has widespread bipartisan support, 66 cosponsors, including the gentleman from Wisconsin [Mr. PETRI], the gentlewoman from Hawaii [Mrs. MINK], across the country. It has got more cosponsors than any other reauthorization proposal, 68. And that I think speaks highly for the merits of this provision and why today we should reject this amendment.

But let me give you some very practical examples of what the libraries of America look like, the school libraries.

Students at a school in Peoria, AZ, had to rely upon a U.S. Constitution published in 1924 with a snappy introduction by President Calvin Coolidge. I just hope they did not have to do any research on amendments 20 through 26, which have been passed since 1924.

There are books in school libraries with titles like "Our Friends the Germs" and "Some Day Man Will Land on the Moon." That day has come, and I think our children should be able to realize that.

I received a letter from a librarian in Melbourne, FL, who noted that 80 percent of her nonfiction collection was over 15 years old, 74 percent was over 25 years old. And how can we achieve these vaunted national educational standards if children are looking at materials that are 25 years old?

In Austin, TX, a shrinking book budget for public school libraries resulted in many outdated books, including a title recently removed called "Asbestos: A Magic Mineral."

It would cost about \$3.5 million to bring the district libraries in that area up-to-date. We have to do more.

The CHAIRMAN. The time of the gentleman from Rhode Island [Mr. REED] has expired.

(By unanimous consent, Mr. REED was allowed to proceed for 2 additional minutes.)

Mr. REED. Mr. Chairman, we have to do more. This measure establishes a funding level that is sufficient at best. In 1980, the last year this was an authorized and funded program under the original Elementary and Secondary Education Act, the program received \$161 million. We are asking for about \$200 million and, with inflation, that is barely what it was back in 1980.

It is not a new program. It is a program that was initiated in 1965 and

should be continued today. It is a program that I think is the common sense way to approach education reform. Give young people the chance to read up-to-date, modern books, to purchase modern media, to come in to the 20th century and prepare for the 21st century.

I very strongly object to this amendment for the reasons I have outlined. We all want to tighten our belts, but I do not think we want to tighten them so hard and so fast that we cut off the blood to the brain and do something silly. And telling young people and librarians, schools across this country, that we will not help them buy library books so young people can read them, can develop the love of books that Jefferson had, is something terribly silly. I oppose this amendment and ask all Members to join me in such opposition.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words. I rise today to support Mr. MILLER's amendment. I understand that there is a desire among school districts for more technology in the classroom and more services for their libraries. I acknowledge that we are in the midst of the information age and technology can greatly benefit our children. The question is, what should the Federal role be in delivering these services?

One way is represented by the current language in the bill. We are setting up four new programs dealing with technology. Each has their own authorization, their own bureaucracy, and their own redtape.

Another way is represented by the current process. Technology and library services are already covered by the \$435 million chapter 2 program. Let me say it again, technology and library services are already covered by chapter 2. This program gives States and school district's the flexibility to solve their own problems and set their own priorities. In fact, it is the direction that the entire bill should go in. In any case, there is no reason why we should fund the technology and library programs with separate bureaucracies and separate authorizations.

There is also another issue at play. As I have stated before, we have to streamline this bill. There are currently 61 programs in the Elementary and Secondary Education Act. There were 26 programs in the Clinton administration's proposal for this reauthorization. We are now back up to 48 programs, and climbing. Lowering the number of programs in ESEA will help increase the chance that chapter 2 will be funded closer to its authorization, which will in turn help school districts fund these services if they are indeed their priorities.

We need to ask ourselves several questions:

Do we really expect the Appropriations Committee to fund the Technology Education Assistance Program

at an amount anywhere near its \$300 million authorization? Do we really expect the same of the \$200 million Library Media Services Program? And if they are funded at these amounts, what other programs will have to suffer? Are we willing to take money away from title I or professional development?

As I have said before, we must have focus to the ESEA, and these programs disrupt that focus. The larger the number of programs, the more diluted is the funding. We are doing no one any favors by creating program after program in order to satisfy specific concerns. We need broader programs which allow school districts to address their priorities. This amendment would help accomplish this which is why I urge its adoption.

Mr. Chairman, if you listen to the debate that has gone on here for some time, you would think from the other side we are trying to eliminate these services. We are not. We are trying to say let them be funded out of title II and let local districts have the flexibility to make those decisions on their own. It is not that we are against libraries and technology services. What we are against is a continuing proliferation of programs diluting the focus of this piece of legislation.

I would also add that as we continue to debate this piece of legislation, the focus we are trying to have here is to give districts more flexibility, not less. And the more programs we continue to create, the focus goes away and goes away.

I do not think it is a good use of our resources. I think the gentleman from Florida [Mr. MILLER] has a good amendment, and we ought to adopt it.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Boehner-Miller amendment and I urge my colleagues to consider the crucial importance of ensuring that students have access to tools of learning that have the greatest potential for increasing student achievement.

The capabilities of educational technology are practically limitless. Just 20 years ago, schools were organized around the mastery of basic skills. Today, that is simply not enough to keep pace with the rapid pace of change. To learn the kind of skills they will need in the future, students need to synthesize and analyze vast amounts of information. They need to learn how to keep learning. They will not be able to do that with today's textbooks, and although the delivery of updated curriculum through textbooks is improving, they will never have the power—and the relevance to the lives of students—that educational technology does.

The measure I sponsored in H.R. 6 recognizes a simple reality—that is, if

we are going to require that students meet world-class content and performance standards, they ought to have the tools they need to meet them. Students and schools do not have those tools now:

More than 50 percent of computers in classrooms are 5 years old, which means they cannot process video or graphic information.

Only 10 percent of teachers have a phone line in their classroom.

Only 4 percent have modems which link computers with phone lines.

Most schools cannot afford educational technology, and many, many schools purchase technology that is already obsolete by the time it gets in the class.

Part B of title II will help to change that by authorizing a small amount—\$300 million—of venture capital that will encourage State and local school districts, private industry, and foundations to form partnerships that will build capacity that is adaptable to future needs. In fact, to receive funds under this provision, States will have to describe in their application other sources of funding they will use to supplement Federal funds. This is not a single-source Federal effort to fund technology in schools. It will take much more than we can ever offer. It is an investment in planning, financing, and capacity building.

I would like to make two other important points. This educational technology program is closely linked with the Dwight D. Eisenhower Professional Development Program. The relationship between these sections is critical. The absence of rigorous teacher training will blunt the potential of educational technology. Second, once this education technology makes its way into classrooms, those resources will be available for wider use in the community. In other words, these tools could be used by providers of adult education, literacy and all kinds of job training.

Mr. Chairman, this small Federal investment can help create an efficient, multiple-use system that will improve the effectiveness of all education programs.

I urge my colleagues to oppose this amendment which would continue to isolate teachers and students in the classroom and away from a rich diversity of information that will allow this Nation to extend our productive leadership into the next American century.

□ 1300

Mr. DIAZ-BALART. Mr. Chairman, I move to strike the requisite number of words.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, the opponents of this try and cre-

ate the impression that I am opposed to library books, that the gentleman from Ohio [Mr. BOEHNER] is opposed to library books or opposed to computers in the classroom. That is not the argument.

There are ways that we buy books, that we buy computers in the schools today, and that is through chapter 2. The program is there right now; 50 percent of the computers we buy in schools today come from title I. We can buy them. We do not need to create a new program and a new bureaucracy.

The argument here today is the question of, can we afford another \$550 million of new spending not requested by the President, when we are trying to balance the budget, when we are trying to control deficit spending?

I think they are great goals. I would love to spend more money on libraries and more money on computers. And I think when we talk about reauthorizing Head Start, we are going to have to have more money for Head Start. We are going to have more money for crime. We are going to want to put more money into health care, lots of good causes, but we have got to establish priorities. We have got to watch these categorical programs where we create program after program after program, especially when they become redundant, and we are going to hurt chapter 2 to give the local schools the flexibility they need to have the quality education that parents and local districts can decide.

Mr. ENGEL. Mr. Chairman, I rise in opposition to the amendment to strike provisions in title II of H.R. 6 which would improve local schools' access to library materials, technology hardware, computer software, and planning materials.

The Library Media Program contained under title II is a bipartisan initiative that addresses the appalling needs of our Nation's school libraries. The national average copyright date of a book in school libraries is 1965. Not only does this date pre-date the break up of the Soviet Union, this is prior to a manned spacecraft landing on the Moon. In fact, numerous schools have library books that were published before their senior class was even born. Unfortunately, given severe State and local budget constraints, local decisionmakers are often forced to sacrifice school libraries for other academic programs. We cannot allow this to continue.

In addition, the amendment targets the Educational Technology Program. This provision is designed to provide seed money that will leverage resources from State and local governments, private industry, and foundation grants to assist schools in planning and acquiring education technology. Having an education technology component in H.R. 6 is crucial. If we expect our Nation to advance in a global, high technology economy, our children must be active participants at an early stage. This small Federal investment in education technology will ultimately help to create an information system that will improve the effectiveness and success of all education programs.

I urge my colleagues to oppose the Boehner amendment. The highest education standards, improved teaching methods, and most professional staff will have little effect on our Nation's students if our children are not simultaneously provided with the books, materials, and educational tools necessary to learn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MILLER]. The amendment was rejected.

AMENDMENT OFFERED BY MR. GUNDERSON
Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON:
Page 323, on line 12, strike "Subpart 4—21st Century Community Learning Centers," and insert the following:

PART F—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 2441. FINDINGS.

The Congress finds that—

(1) a local public school often serves as a center for the delivery of education and human resources for all members of a community;

(2) public schools, primarily in rural and inner city communities, should collaborate with other public and nonprofit agencies and organizations, local businesses, educational entities (such as vocational and adult education programs, school to work programs, community colleges, and universities), recreational, cultural, and other community and human service entities for the purpose of meeting the needs and expanding the opportunities available to the residents of the communities served by such schools;

(3) by using school facilities, equipment, and resources, communities can promote a more efficient use of public education facilities, especially in rural and inner city areas where limited financial resources have enhanced the necessity for local public schools to become social service centers;

SEC. 2442. PROGRAM AUTHORIZATION AND DISTRIBUTION.

(a) GRANTS BY THE SECRETARY.—The Secretary is authorized in accordance with the provisions of this subsection to make grants to rural and inner city schools or consortia thereof to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner city community.

(1) No school or consortia thereof shall receive a grant award of less than \$50,000 in each fiscal year; and

(2) such grant projects do not exceed a 3-year period.

(b) APPLICATION.—To be eligible to receive funds under this section, a school or consortia thereof shall submit an application to the Secretary of Education at such time and in such manner as the Secretary may reasonably prescribe, that shall include—

(1) a comprehensive local plan that enables such school to serve as a center for the delivery of education and human resources for members of a community; and

(2) an initial evaluations of needs, available resources, and goals and objectives for the proposed community education program to determine programs that will be developed to address these needs;

(A) A mechanism to disseminate information in a manner that is understandable and accessible to the community.

(B) Identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized.

(C) A description of the collaborative efforts of community-based organizations, related public agencies, businesses, or other appropriate organizations.

(D) A description of how the school will assist as a delivery center for existing and new services, especially inter-active telecommunication used for education and professional training.

(E) The establishment of a facility utilization policy that specifically states rules and regulations for building and equipment use and supervision guidelines.

(3) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and

(4) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities.

(c) **PRIORITY.**—The Secretary shall give priority to applications that offer a broad selection of services that address the needs of the community.

SEC. 2443. USES OF FUNDS.

(a) **AUTHORIZED PROGRAMS.**—Grants awarded under this section may be used to plan, implement, or expand community learning centers which shall include not less than 4 of the following activities:

- (1) Literacy education programs.
- (2) Senior citizen programs.
- (3) Children's day care services.
- (4) Integrated education, health, social service, recreational, or cultural programs.
- (5) Summer and weekend school programs in conjunction with recreation programs.
- (6) Nutrition, health, and/or physical therapy.
- (7) Expanded library service hours to serve community needs.
- (8) Telecommunications and technology education programs for all ages.
- (9) Parenting skills education programs.
- (10) Support and training for child day care providers.
- (11) Employment counseling, training, and placement.
- (12) Services for students who withdraw from school before graduating high school, regardless of age.
- (13) Services for individuals who are either physically or mentally challenged.

SEC. 2444. AWARD OF GRANTS.

(a) **IN GENERAL.**—In approving grants under this section, the Secretary shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

(b) **GRANT PERIOD.**—Grants may be awarded for a period not to exceed 3 years.

SEC. 2445. DEFINITIONS.

(1) the term "Community Learning Center" means the provision of educational, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, and cultural, recreational, and other community and human service entities; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 2446. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$25,000,000 for fiscal year 1995 and such sums

as may be necessary for each of the fiscal years 1996-1999.

Mr. GUNDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GUNDERSON. Mr. Chairman, I will not take 5 minutes. I simply want to point out to my colleagues, this is an attempt to respond, for lack of better description, to the learning revolution. It is a recognition that high technology will change the schools. It will change the subjects. It will change who are the students. It will change everything we understand about schools as they exist today.

Recognizing, as was said recently in a book "From Risk to Renewal," that literally the traditional walls between education and the broader community would come tumbling down as schools would become communities of higher learners, in which as much attention is paid to the intellectual and developmental needs of adults as children.

Literally, we need to recognize that education is going to change like nothing any of us have ever considered in the past. The intent of this amendment is to allow schools, through assistance from the Federal Government, to allow communities, through assistance from the Federal Government, to begin designing and creating these new 21st century community learning centers for the future.

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

We accept the amendment and urge its adoption.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I can very simply say that I rise in opposition to the amendment for everything we have heard from this side for the last 15 minutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

"TITLE III—EXPANDING OPPORTUNITIES FOR LEARNING

"PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 3201. FUND FOR THE IMPROVEMENT OF EDUCATION.

"(a) **FUND AUTHORIZED.**—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging standards, and contribute to the achievement of the National Education

Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) **USES OF FUNDS.**—(1) Funds under this section may be used for—

"(A) activities that will promote systemic educational reform at the State and local levels, such as—

"(i) research and development related to content and performance standards and opportunity-to-learn standards for student learning; and

"(ii) the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

"(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice in accordance with the requirements of part C and school-based decisionmaking;

"(C) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services;

"(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

"(E) activities to promote comprehensive health education;

"(F) activities to promote environmental education;

"(G) activities to promote consumer, economic, and personal finance education;

"(H) activities to assist students to demonstrate competence in foreign languages;

"(I) studies and evaluation of various educational reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

"(J) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools;

"(K) programs designed to promote gender equity in education by evaluating and eliminating gender bias in instruction and educational materials, identifying, and analyzing gender inequities in educational practices, and implementing and evaluating educational policies and practices designed to achieve gender equity;

"(L) experiential-based learning, such as service-learning; and

"(M) other programs and projects that meet the purposes of this section.

"(2) The Secretary may also use funds under this section to complete the project periods for direct grants or contracts awarded under the provisions of the Elementary and Secondary Education Act of 1965, part B of title III of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, or title III of the Education for Economic Security Act, as these Acts were in effect on the day before enactment of the Improving America's Schools Act of 1994.

"(c) **AWARDS.**—(1) The Secretary may make awards under this section on the basis of competitions announced by the Secretary and may also support meritorious unsolicited proposals.

"(2) The Secretary shall ensure that projects and activities supported under this

section are designed in such a way that their effectiveness may be readily determined.

"(3) The Secretary shall use a peer review process in reviewing applications for grants under this section and may use funds appropriated under subsection (d) for this purpose.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated \$35,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"PART B—GIFTED AND TALENTED CHILDREN

"SEC. 3301. SHORT TITLE.

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1994'.

"SEC. 3302. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds and declares that—

"(1) all students can learn to high standards and must develop their talents and realize their potential if the United States is to prosper;

"(2) gifted and talented students are a national resource vital to the future of the Nation and its security and well-being;

"(3) too often schools fail to challenge students to do their best work, and students who are not challenged will not learn to high standards, fully develop their talents, and realize their potential;

"(4) unless the special abilities of gifted and talented students are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

"(5) gifted and talented students from economically disadvantaged families and areas, and students of limited English proficiency are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

"(6) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented students for the provision of educational services and programs appropriate to their special needs;

"(7) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training and providing a national focal point of information and technical assistance that is necessary to ensure that the Nation's schools are able to meet the special educational needs of gifted and talented students, and thereby serve a profound national interest; and

"(8) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used as a basis to develop a rich and challenging curriculum for all students.

"(b) STATEMENT OF PURPOSE.—

"(1) It is the purpose of this part to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students. In addition, the purpose of this part is to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part.

"(2) It is also the purpose of this part to supplement and make more effective the expenditure of State and local funds, for the education of gifted and talented students.

"SEC. 3303. DEFINITIONS.

"For purposes of this part, the term 'gifted and talented students' means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"SEC. 3304. AUTHORIZED PROGRAMS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) From the sums appropriated under section 3308 in any fiscal year the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to or enter into contracts with State educational agencies, local educational agencies, institutions of higher education, or other public agencies and private agencies and organizations (including Indian tribes and organizations as defined by the Indian Self-Determination and Education Assistance Act and Hawaiian native organizations) to assist such agencies, institutions, and organizations which submit applications in carrying out programs or projects authorized by this Act that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

"(2) Applications for funds must include a section on how the proposed gifted and talented services, materials, and methods could be adapted, if appropriate, for use by all students and a section on how the proposed programs can be evaluated.

"(b) USES OF FUNDS.—Programs and projects assisted under this section may include—

"(1) professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students;

"(2) establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education;

"(3) training of personnel involved in gifted and talented programs with respect to the impact of gender role socialization on the educational needs of gifted and talented children and in gender equitable education methods, techniques, and practices;

"(4) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented students and the appropriate use of gifted and talented programs and methods to serve all students;

"(5) programs of technical assistance and information dissemination which would include how gifted and talented programs and methods, where appropriate, could be adapted for use by all students; and

"(6) carrying out—

"(A) research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this part.

"(c) ESTABLISHMENT OF NATIONAL CENTER.—

"(1) The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out activities described in paragraph (5) of subsection (b).

"(2) Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(d) LIMITATION.—Not more than 30 percent of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used to conduct activities pursuant to subsections (b)(5) or (c).

"(e) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

"SEC. 3305. PROGRAM PRIORITIES.

"(a) GENERAL PRIORITY.—In the administration of this part the Secretary shall give highest priority—

"(1) to the identification of and services to gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited-English proficiency, and individuals with disabilities); and

"(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification of and service to gifted and talented students, such as mentoring and apprenticeship programs.

"(b) SERVICE PRIORITY.—In approving applications under section 3304(a) of this part, the Secretary shall assure that in each fiscal year at least one-half of the applications approved address the priority in section 3305(a)(1).

"SEC. 3306. GENERAL PROVISIONS.

"(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equi-

table participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs for serving such children.

"(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

"(1) use a peer review process in reviewing applications under this part;

"(2) ensure that information on the activities and results of projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this part, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than January 1, 1998.

"SEC. 3307. ADMINISTRATION.

"The Secretary shall establish or designate an administrative unit within the Department of Education—

"(1) to administer the programs authorized by this part;

"(2) to coordinate all programs for gifted and talented students administered by the Department;

"(3) to serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs; and

"(4) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students.

The administrative unit established or designated pursuant to this section shall be headed by a person of recognized professional qualifications and experience in the field of the education of gifted and talented students.

"SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999 to carry out the provisions of this part.

"PART C—PUBLIC CHARTER SCHOOLS

"SEC. 3401. PURPOSE.

"It is the purpose of this part to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the design and initial implementation of charter schools; and

"(2) evaluating the effects of those schools on improving student achievement, including their effects on students, staff, and parents.

"SEC. 3402. PROGRAM AUTHORIZED.

"(a) GENERAL.—The Secretary may make grants to eligible applicants for the design and initial operation of charter schools.

"(b) PROJECT PERIODS.—Each such grant shall be for a period of not more than three years, of which the grantee may use—

"(1) no more than 18 months for planning and program design; and

"(2) no more than two years for the initial implementation of the charter school.

"(c) LIMITATION.—The Secretary shall not make more than one grant to support a particular charter school.

"SEC. 3403. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Any eligible applicant that desires to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) SCOPE OF APPLICATION.—Each such application may request assistance for a single charter school or for a cluster of schools, which may include a high school and its feeder elementary and middle schools, within a community.

"(c) APPLICATION CONTENTS.—Each such application shall include, for each charter school for which assistance is sought—

"(1) a description of the educational program to be implemented by the proposed charter school, including—

"(A) how the program will enable all students to meet challenging State performance standards;

"(B) the grade levels or ages of children to be served; and

"(C) the curriculum and instructional practices to be used;

"(2) a description of how the school will be managed;

"(3) a description of—

"(A) the objectives of the school; and

"(B) the methods by which the school will determine its progress toward achieving those objectives;

"(4) a description of the administrative relationship between the charter school and the local educational agency that will authorize or approve the school's charter and act as the grantee under this part;

"(5) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(6) a description of how the local educational agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school is successful;

"(7) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

"(8) a description of how the grant funds would be used;

"(9) a description of how grant funds would be used in conjunction with other Federal programs administered by the Secretary;

"(10) a description of how students in the community will be—

"(A) informed about the school; and

"(B) given an equal opportunity to attend the school;

"(11) an assurance that the applicant will annually provide the Secretary such information as the Secretary may require to determine if the charter school is making satisfactory progress toward achieving the objectives described under paragraph (3);

"(12) an assurance that the applicant will cooperate with the Secretary in evaluating the program authorized by this part; and

"(13) such other information and assurances as the Secretary may require.

"(d) STATE EDUCATIONAL AGENCY APPROVAL REQUIRED.—(1) A local educational agency that desires to receive a grant under this part shall obtain the State educational agency's approval of its application before submitting it to the Secretary.

"(2) A State educational agency that approves an application of a local educational agency shall provide the local educational

agency, and such local agency shall include in its application to the Secretary, a statement that the State has granted, or will grant, the waivers and exemptions from State requirements described in such local agency's application.

"SEC. 3404. SELECTION OF GRANTEE; WAIVERS.

"(a) CRITERIA.—The Secretary shall select projects to be funded on the basis of the quality of the applications, taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State and, if applicable, the local educational agency to the school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the school;

"(5) the quality of the plan for assessing achievement of those objectives; and

"(6) the likelihood that the school will meet those objectives and improve educational results for students.

"(b) PEER REVIEW.—The Secretary shall use a peer review process to review applications for grants under this section.

"(c) DIVERSITY OF PROJECTS.—The Secretary may approve projects in a manner that ensures, to the extent possible, that they—

"(1) are distributed throughout different areas of the Nation, including in urban and rural areas; and

"(2) represent a variety of educational approaches.

"(d) WAIVERS.—The Secretary may waive any statutory or regulatory requirement that the Secretary is responsible for enforcing, except for any such requirement relating to the elements of a charter school described in section 3407(1), if—

"(1) the waiver is requested in an approved application or by a grantee under this part; and

"(2) the Secretary determines that granting such a waiver would promote the purpose of this part.

"SEC. 3405. USES OF FUNDS.

"A recipient of a grant under this part may use the grant funds only for—

"(1) post-award planning and design of the educational program, which may include—

"(A) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(B) professional development of teachers and other staff who will work in the charter school; and

"(2) initial implementation of the charter school, which may include—

"(A) informing the community about the school;

"(B) acquiring necessary equipment;

"(C) acquiring or developing curriculum materials; and

"(D) other operational costs that cannot be met from State or local sources.

"SEC. 3406. NATIONAL ACTIVITIES.

"The Secretary may reserve up to 10 percent of the funds appropriated for this part for any fiscal year for—

"(1) peer review of applications under section 3404(b); and

"(2) an evaluation of the impact of charter schools on student achievement, including those assisted under this part.

"SEC. 3407. DEFINITIONS.

"As used in this part, the following terms have the following meanings:

"(1) The term 'charter school' means a school that—

"(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the local educational agency applying for a grant on behalf of the school;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other public schools in the State, unless such requirements are specifically waived for the purpose of this program;

"(J) meets all applicable Federal, State, and local health and safety requirements; and

"(K) operates in accordance with State law.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means a local educational agency, in partnership with a developer with an application approved under section 3403(d).

"SEC. 3408. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated \$15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"PART D—ARTS IN EDUCATION

"Subpart 1—Support for Arts Education

"SEC. 3501. SUPPORT FOR ARTS EDUCATION.

"(a) FINDINGS.—The Congress finds that—

"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

"(2) the arts are important to excellent education and to effective school reform;

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) this transformation is best realized in the context of comprehensive, systemic education reform;

"(5) demonstrated competency in the arts for American students is among the National Education Goals;

"(6) the arts can motivate at-risk students to stay in school and become active participants in the educational process; and

"(7) arts education should be an integral part of the elementary and secondary school curriculum.

"(b) PURPOSE. The purposes of this part are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education; and

"(4) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts;

"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(10) other activities that further the purposes of this part.

"(e) COORDINATION.—(1) A recipient of funds under this part shall, to the extent possible, coordinate its project with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated \$11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"Subpart 2—Community Arts

"SEC. 3502. SHORT TITLE.

"This subpart may be cited as the "Community Arts Partnership Act of 1994".

"(a) FINDINGS.—Congress finds that—

"(1) with local school budgets cut there are in-adequate arts programs available for chil-

dren in schools, especially at the elementary level;

"(2) the arts promote progress in academic subjects as shown by research conducted by the National Endowment for the Arts;

"(3) the arts access multiple human intelligences and develop higher-order thinking skills;

"(4) the arts generate self-esteem and positive emotional responses to learning; and

"(5) children who receive instruction in the arts remain in school longer and are more successful than children who do not receive such instruction.

"(b) PURPOSE.—The purpose of this part is to make demonstration grants to eligible entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in subsection (f).

"(2) SPECIAL REQUIREMENTS.—The Secretary shall award grants under this Act only to programs designed to—

"(A) promote educational and cultural services;

"(B) provide multi-year services to at-risk children and youth;

"(C) serve the target population described in subsection (e);

"(D) provide integration of community cultural resources in the regular curriculum;

"(E) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;

"(F) provide effective cultural linkages from preschool programs, including the Head Start Act and preschool grants under the Individuals with Disabilities Education Act, to elementary schools;

"(G) facilitate school-to-work transition from secondary schools and alternative schools to job training, higher education, and employment;

"(H) increase parental and community involvement in the educational, social, and cultural development of at-risk youth; or

"(I) replicate programs and strategies that provide high quality coordinated educational and cultural services and that are designed to integrate such coordination into the regular curriculum.

"(3) REQUIREMENT OF COORDINATION.—Grants may only be awarded under this part to eligible entities that agree to coordinate activities carried out under other Federal, State, and local grants, received by the members of the partnership for purposes and target populations described in this part, into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth.

"(4) DURATION.—Grants made under this part may be renewable for a maximum of 5 years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in application.

"(5) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall ensure—

"(A) an equitable geographic distribution; and

"(B) an equitable distribution to both urban and rural areas with a high proportion of at-risk youth as defined in subsection (e).

"(d) ELIGIBILITY.—

"(1) SERVICES FOR IN-SCHOOL YOUTH.—For the purpose of providing a grant under this part to serve in-school children and youth, the term 'eligible entity' means a partnership between a local education agency that is eligible for funds under title I of this Act, and at least 1 institution of higher education or cultural entity located within or accessible to the geographical boundaries of the local education agency with a history of providing quality services to the community, and which may include—

"(A) nonprofit institutions of higher education; museums; libraries; performing, presenting and exhibiting arts organizations; literary arts organizations; local arts organizations; and zoological and botanical organizations; and

"(B) private for-profit entities with a history of training children and youth in the arts.

"(2) SERVICES FOR OUT-OF-SCHOOL YOUTH.—For purposes of providing a grant under this part to serve out-of-school youth, the term 'eligible entity' means a partnership between at least 1 entity of the type described in paragraph (A) or (B) of subsection (1), or a local education agency eligible for funds under chapter 1 of title I of this Act and at least 1 cultural entity described in subsection (1).

"(e) TARGET POPULATION.—In order to receive a grant under this part, an eligible entity shall serve—

"(1) students enrolled in schools in participating schoolwide projects assisted under title I of this Act and the families of such students; or

"(2) out-of-school youth at risk of having limited future options as a result of teenage pregnancy and parenting, substance abuse, recent migration, disability, limited English proficiency, family migration, illiteracy, being the child of a teen parent, living in a single parent household, or being a high school dropout; or

"(3) any combination of in school and out-of-school at-risk youth.

"(f) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Funds made under this part may be used—

"(A) to plan, develop, acquire, expand, and improve school-based or community-based coordinated educational and cultural programs to strengthen the educational performance and future potential of in-school and out-of-school at-risk youth through cooperative agreements, contracts for services, or administrative coordination;

"(B) to provide at-risk students with integrated cultural activities designed to develop a love of learning to ensure the smooth transition of preschool children to elementary school;

"(C) to design collaborative cultural activities for students in secondary or alternative schools that ensure the smooth transition to job training, higher education, or full employment;

"(D) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;

"(E) to provide transportation necessary for participation in the program;

"(F) to work with existing school personnel to develop curriculum materials and programs in the arts;

"(G) to work with existing school personnel on staff development activities that encourage the integration of the arts into the curriculum;

"(H) for stipends that allow local artists to work with at-risk children and youth in the schools;

"(I) for cultural programs that encourage the active participation of parents in their children's education;

"(J) for programs that use the art reform current school practices, including lengthening the school day or academic year;

"(K) for appropriate equipment and necessary supplies; and

"(L) for evaluation, administration, and supervision.

"(2) PRIORITY.—In providing assistance under this part, the Secretary shall give priority to eligible entities that provide comprehensive services that extend beyond traditional school or service hour, that may include year round programs that provide services in the evenings and on weekends.

"(3) PLANNING GRANTS.—

"(A) APPLICATION.—An eligible entity may submit an application to the Secretary for a planning grant for an amount not to exceed \$50,000. Such grants shall be for periods of not more than 1 year.

"(B) LIMIT ON PLANNING GRANTS.—Not more than 10 percent of the amounts appropriated in each fiscal year under this part shall be used for grants under this subsection, and an eligible entity may receive not more than 1 such planning grant.

"(g) GENERAL PROVISIONS.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

"(A) describe the cultural entity or entities that will participate in the partnership;

"(B) describe the target population to be served;

"(C) describe the services to be provided;

"(D) describe a plan for evaluating the success of the program;

"(E) describe, for a local educational agency participant, how services will be perpetuated beyond the length of the grant;

"(F) describe the manner in which the eligible entity will improve the educational achievement or future potential of at-risk youth through more effective coordination of cultural services in the community;

"(G) describe the overall and operational goals of the program; and

"(H) describe the nature and location of all planned sites where services will be delivered and a description of services which will be provided at each site.

"(h) PAYMENTS—FEDERAL SHARE.—

"(1) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under subsection (g) the Federal share of the cost of the activities described in the application.

"(2) AMOUNTS OF GRANTS.—The amount of a grant made under this part may not be less than \$100,000 or exceed \$500,000 in the first year of such grant.

"(3) FEDERAL SHARE.—The Federal share shall be 80 percent.

"(4) NON-FEDERAL SHARE.—The non-Federal share shall be equal to 20 percent and may be in cash or in kind, fairly evaluated, including facilities or services.

"(5) LIMITATION.—Not more than 25 percent of any grant under this part may be used for noninstructional services such as those described in paragraphs D, E, and L of subsection (f).

"(6) SUPPLEMENT AND NOT SUPPLANT.—Grant funds awarded under this part shall be used to supplement not supplant the amount of funds made available from non-Federal

sources, for the activities assisted under this part, in amounts that exceed the amounts expended for such activities in the year preceding the year for which the grant is awarded.

"(7) DISSEMINATION OF MODELS.—The Secretary shall disseminate information concerning successful models under this part through the National Diffusion Network.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart, \$75,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"PART E—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

"SEC. 3601. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

"(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading Is Fundamental (hereinafter in this section referred to as 'the contractor') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

"(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or by loan, to children up through high school age, including those in family literacy programs;

"(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

"(A) low-income children, particularly in high-poverty areas;

"(B) children at risk of school failure;

"(C) children with disabilities, including children with serious emotional disturbance;

"(D) foster children;

"(E) homeless children;

"(F) migrant children;

"(G) children without access to libraries;

"(H) institutionalized or incarcerated children; and

"(I) children whose parents are institutionalized or incarcerated;

"(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher

or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) DEFINITION OF 'FEDERAL SHARE'.—For the purpose of this section, the term 'Federal share' means the portion of the cost to a sub-contractor of purchasing books to be paid with funds made available under this section. The Federal share shall be established by the Secretary, and shall not exceed 75 percent, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$10,300,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"PART F—CIVIC EDUCATION

"SEC. 3701. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM ESTABLISHED.—(A) The Secretary shall carry out a program to enhance the attainment of Goals Three and Six of the National Education Goals by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

"(B) Such program shall be known as 'We the People . . . The Citizen and the Constitution'.

"(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall—

"(A) continue and expand the educational activities of the We the People . . . The Citizen and the Constitution program administered by the Center for Civic Education; and

"(B) enhance student attainment of challenging content standards in civics and government.

"(3) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to enter into a contract or grant with the Center for Civic Education to carry out the program required by paragraph (1).

"(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

"(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and the Bill of Rights;

"(2) school and community simulated congressional hearings following the course of study at the request of participating schools; and

"(3) an annual national competition of simulated congressional hearings for secondary students who wish to participate in such program.

"(c) PROGRAM PARTICIPANTS.—The education program authorized by this section shall be made available to public and private elementary and secondary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) SPECIAL RULE.—Funds provided under this section may be used for the advanced training of teachers in civics and government after the provisions of subsection (b) have been implemented.

"SEC. 3702. INSTRUCTION IN CIVICS, GOVERNMENT, AND THE LAW.

"(a) PROGRAM ESTABLISHED.—The Secretary shall carry out a program of grants and contracts to assist State and local educational agencies and other public and private nonprofit agencies, organizations and institutions to enhance—

"(1) attainment by students of challenging content standards in civics, government, and the law; and

"(2) attainment by the Nation of Goals Three and Six of the National Education Goals.

"(b) AUTHORIZED ACTIVITIES.—Assistance under this section may support new and ongoing programs in elementary and secondary schools that provide for—

"(1) the development and implementation of curricular programs that enhance student understanding of—

"(A) the values and principles which underlie, and the institutions and processes which comprise, our system of government;

"(B) the role of law in our constitutional democracy, including activities to promote—

"(i) legal literacy; and

"(ii) a dedication by students to the use of non-violent means of conflict resolution such as arbitration, mediation, negotiation, trials, and appellate hearings; and

"(C) the rights and responsibilities of citizenship;

"(2) professional development for teachers, including pre-service and in-service training;

"(3) outside-the-classroom learning experiences for students, including community service activities;

"(4) the active participation of community leaders, from the public and private sectors, in the schools; and

"(5) the provision of technical assistance to State and local educational agencies and other institutions and organizations working to further the progress of the Nation in attaining the Goals Three and Six of the National Education Goals in civics and government.

"(c) APPLICATIONS, PEER REVIEW AND PRIORITY.—

"(1) SUBMISSION OF APPLICATIONS.—A State or local educational agency, other public or private nonprofit agency, organization or institution that desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) PEER REVIEW.—(A) The Secretary shall convene a panel of individuals for purpose of reviewing and rating applications submitted under paragraph (1).

"(B) Such individuals shall have experience with education programs in civics, government, and the law.

"(3) PRIORITY.—In making grants or awarding contracts under this section, the Secretary shall give priority consideration to applications which propose the operation of statewide programs.

"(d) DURATION OF GRANTS AND EXCEPTION.—

"(1) DURATION.—Except as provided in paragraph (2), the Secretary shall make grants and enter into contracts under this section for periods of 2 or 3 years.

"(2) EXCEPTION.—The Secretary may make a grant or enter into a contract under this section for a period of less than 2 years if the Secretary determines that special circumstances exist which warrant a one year grant or contract award.

"SEC. 3703. REPORT; AUTHORIZATION OF APPROPRIATIONS.

"(a) REPORT.—The Secretary shall report, on a biennial basis, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate related to the distribution and use of funds authorized under this part.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) GENERAL.—To carry out this part, there are authorized to be appropriated \$15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(2) ALLOCATION.—From the amount appropriated under subsection (a), the Secretary shall allocate—

"(A) 40 percent of such amount to carry out section 3701; and

"(B) 60 percent of such amount to carry out section 3702.

"PART G—NATIVE HAWAIIAN EDUCATION

"SEC. 3801. SHORT TITLE.

"This part may be cited as the 'Native Hawaiian Education Act'.

"SEC. 3802. FINDINGS.

"The Congress finds that:

"(1) Native Hawaiians comprise a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago whose society was organized as a Nation prior to the arrival of the first non-indigenous people in 1778.

"(2) The Native Hawaiian people are entitled to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, languages, and social institutions.

"(3) The constitution and statutes of the State of Hawaii:

"(A) acknowledge the distinct land rights of the Native Hawaiian people as beneficiaries of the public lands trust; and

"(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language.

"(4) At the time of the arrival of the first non-indigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based on communal land tenure with a sophisticated language, culture, and religion.

"(5) A unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.

"(6) Throughout the 19th century and until 1893, the United States: (a) recognized the independence of the Hawaiian Nation; (b) extended full and complete diplomatic recognition to the Hawaiian government; and (c) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875 and 1887.

"(7) In the year 1893, the United States Minister assigned to the sovereign and independent Kingdom of Hawaii, John L. Stevens, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful Government of Hawaii.

"(8) In pursuance of that conspiracy, the United States Minister and the naval representative of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawaii and the United States Minister thereupon extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawaii or the lawful Government of Hawaii in violation of treaties between the two nations and of international law.

"(9) In a message to Congress on December 18, 1893, then President Grover Cleveland reported fully and accurately on these illegal

actions, and acknowledged that by these acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown, and the President concluded that a 'substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people require that we should endeavor to repair.'

"(10) Queen Lili'uokalani, the lawful monarch of Hawaii, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawaii, promptly petitioned the United States for redress of these wrongs and for restoration of the indigenous government of the Hawaiian nation, but this petition was not acted upon.

"(11) In 1898, the United States annexed Hawaii through the Newlands Resolution, without the consent of or compensation to the indigenous people of Hawaii or their sovereign government, who were denied their land, ocean resources, and the mechanism for expression of their inherent sovereignty through self-government and self-determination.

"(12) Through the Newlands Resolution and the 1900 Organic Act, the United States Congress received 1.75 million acres of lands formerly owned by the Crown and Government of the Hawaiian Kingdom and exempted the lands from then existing public land laws of the United States by mandating that the revenue and proceeds from these lands be 'used solely for the benefit of the inhabitants of the Hawaiian Islands for education and other public purposes,' thereby establishing a special trust relationship between the United States and the indigenous native inhabitants of Hawaii.

"(13) Congress enacted the Hawaiian Homes Commission Act of 1920 designating 200,000 acres of the ceded public lands for exclusive homesteading by Native Hawaiians, affirming the trust relationship between the United States and the Native Hawaiians, as expressed by then Secretary of the Interior Franklin K. Lane, who was cited in the Committee Report of the United States House of Representatives Committee on Territories as stating: 'One thing that impressed me . . . was the fact that the natives of these islands who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'

"(14) In 1938, the United States Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781 et seq.), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.'

"(15) Under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union' Approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii but reaffirmed the trust relationship which existed between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under such Act.

"(16) Under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for administration over portions of the ceded public lands trust not retained

by the United States to the State of Hawaii but reaffirmed the trust responsibility which existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the administration of the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians under section 5(f) of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union.'

"(17) The authority of the Congress under the United States Constitution to legislate in matters affecting the aboriginal or indigenous peoples of the United States includes the authority to legislate in matters affecting the native peoples of Alaska and Hawaii.

"(18) In furtherance to the trust responsibility for the betterment of the conditions of native Hawaiians, the United States has established educational programs to benefit Native Hawaiians and has acknowledged that special educational efforts are required recognizing the unique cultural and historical circumstances of Native Hawaiians.

"(19) This historical and legal relationship has been consistently recognized and affirmed by the Congress through the enactment of Federal laws which extend to the Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including the Native American Programs Act of 1974; the Native American Programs Act of 1992, as amended; the National Historic Act Amendments of 1992; the American Indian Religious Freedom Act; the Native American Graves Protection and Repatriation Act.

"(20) The United States has also recognized and reaffirmed the trust relationship to the Hawaiian people through legislation which authorizes the provision of services to Native Hawaiians, specifically, the Older Americans Act of 1965, the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, the Veterans' Benefits and Services Act of 1988, the Rehabilitation Act of 1973, the Native Hawaiian Health Care Act of 1988, the Health Professions Reauthorization Act of 1988, the Nursing Shortage Reduction and Education Extension Act of 1988, the Handicapped Programs Technical Amendments Act of 1988, the Indian Health Care Amendments of 1988, and the Disadvantaged Minority Health Improvements Act of 1990.

"(21) Despite the success of the programs established under the Native Hawaiian Education Act of 1988, the education needs of Native Hawaiians continue to be severe:

"(A) Native Hawaiian students continue to score below national norms on standardized education achievement tests;

"(B) Both public and private schools continue to show a pattern of low percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

"(C) Native Hawaiian students continue to be overrepresented among those qualifying for special education programs provided to learning disabled, educable mentally retarded, handicapped, and other such students;

"(D) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics, indicative of special educational needs—

"(i) lower educational attainment among Native Hawaiians has been found to relate to lower socioeconomic outcomes;

"(ii) Native Hawaiian students continue to be disproportionately underrepresented in Institutions of Higher Education;

"(iii) Native Hawaiians continue to be underrepresented in traditional white collar professions, health care professions, and the newly emerging technology based professions and are overrepresented in service occupations;

"(iv) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect, a signal of family stress; and

"(v) there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

"(22) Special efforts in education recognizing the unique cultural and historical circumstances of Native Hawaiians are required.

"SEC. 3803. PURPOSE.

"It is the purpose of this part to—

"(1) authorize and develop supplemental educational programs to assist Native Hawaiians in reaching the National Education Goals,

"(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including those made available by the title on the problem of Native Hawaiian Education, and

"(3) supplement and expand existing programs and authorities in the area of education to further the purposes of the title.

"(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian Education Programs.

"SEC. 3804. NATIVE HAWAIIAN EDUCATION COUNCIL.

"(a) ESTABLISHMENT.—In order to better effectuate the purposes of this part through assistance in the coordination of services and programs provided for under this part, the Secretary shall establish a Native Hawaiian Education Council.

"(b) COMPOSITION.—Such Council shall consist of, but not be limited to:

"(1) representatives of each of the programs which receive Federal funding under this part;

"(2) a representative from the Office of the Governor;

"(3) a representative from the Office of Hawaiian Affairs;

"(4) representatives of other Native Hawaiian Educational organizations and Native Hawaiian organizations which receive Federal or state education funds; and

"(5) parent, student, educator and community organizations.

"(c) CONDITIONS AND TERMS.—All members of the Council shall be residents of the State of Hawaii, and at least half of the members shall be Native Hawaiian. Members of the Council shall be appointed for five year terms.

"(d) DUTIES AND RESPONSIBILITIES.—(1) The Council shall provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including those made available by this title on Native Hawaiian Education.

"(2) The Council is authorized to make available to Congress any information, advice, and recommendations that the Council is authorized to give to the Secretary.

"(3) The Secretary shall, whenever practicable, consult with the Council before taking any significant action related to the education of Native Hawaiians. Any advice or recommendation made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned.

"(e) ADMINISTRATIVE PROVISIONS.—The Council shall meet at the call of the Chair,

or upon the request of the majority of the Council, but in any event not less than twice during each calendar year. All matters relating to, or proceedings of, the Council need not comply with the Federal Advisory Committee Act.

"(f) COMPENSATION.—A member of the Native Hawaiian Council shall not receive any compensation for service on the Council.

"(g) ANNUAL REPORT.—The Council shall present to the Secretary an annual report on its activities.

"(h) REPORT TO CONGRESS.—Not later than 4 years after the date of the enactment of the Improving America's Schools Act, the Secretary shall prepare and submit to the Senate Committee on Indian Affairs and the House Committee on Education and Labor, a report which summarizes the annual reports of the Native Hawaiian Council, describes the allocation and utilization of monies under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"SEC. 3805. NATIVE HAWAIIAN LANGUAGE IMMERSION PROJECT.

"(a) NATIVE HAWAIIAN LANGUAGE IMMERSION AUTHORITY.—In order to continue the state-wide effort at revitalizing the Native Hawaiian Language through the Punana Leo Project and the State of Hawaii's immersion project, the Secretary shall make direct grants to—

"(1) Aha Punana Leo for the continued maintenance of the Punana Leo Project, a family-based Hawaiian Immersion pre-school program;

"(2) the State of Hawaii for education support services for the State of Hawaii's Hawaiian Immersion Program; and to

"(3) the State of Hawaii to establish a center for Native Hawaiian curriculum development and teacher training.

"(b) ADMINISTRATIVE COSTS.—No more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$1,500,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999. Such funds shall remain available until expended.

"SEC. 3806. NATIVE HAWAIIAN FAMILY-BASED EDUCATION CENTERS.

"(a) GENERAL AUTHORITY.—The Secretary shall make direct grants to Native Hawaiian Organizations (including Native Hawaiian Educational Organizations) to develop and operate a minimum of eleven Family-Based Education Centers throughout the Hawaiian Islands. Such centers shall include—

"(1) Parent-Infant programs (prenatal through age 3);

"(2) Preschool programs for four and five year-olds;

"(3) continued research and development; and

"(4) long term followup and assessment program.

"(b) ADMINISTRATIVE COSTS.—No more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized for the centers described in subsection (a), there is authorized to be appropriated \$6,000,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999. Such funds shall remain available until expended.

"SEC. 3807. NATIVE HAWAIIAN HIGHER EDUCATION DEMONSTRATION PROGRAM.

"(a) HIGHER EDUCATION GENERAL AUTHORITY.—The Secretary shall make grants to the Kamehameha Schools/Bernice Pauahi Bishop Estate for a demonstration program to provide Higher Education fellowship assistance to Native Hawaiian students. The demonstration program under this program may include—

"(1) full or partial fellowship support for Native Hawaiian students enrolled at an accredited two or four year degree granting institution of higher education with awards to be based on academic potential and financial need;

"(2) counseling and support services for such students receiving fellowship assistance pursuant to subsection (a)(1) of this section;

"(3) college preparation and guidance counseling at the secondary school level for students who may be eligible for fellowship assistance pursuant to subsection (a)(1) of this section;

"(4) appropriate research and evaluation of the activities authorized by this section; and

"(5) implementation of faculty development programs for the improvement and matriculation of Native Hawaiian students.

"(b) GRANTS AUTHORIZED.—The Secretary shall make grants to Kamehameha Schools/Bernice Pauahi Bishop Estate for a demonstration project of fellowship assistance for Native Hawaiian students in post-bachelor degree programs. Such project may include—

"(1) full or partial fellowship support for Native Hawaiian students enrolled at an accredited post-bachelor degree granting institution of higher education, with priority given to professions in which Native Hawaiians are under-represented and with awards to be based on academic potential and financial need;

"(2) counseling and support services for such students receiving fellowship assistance pursuant to subsection (b)(1) of this section; and

"(3) appropriate research and evaluation of the activities authorized by this section.

"(c) SPECIAL CONDITION REQUIRED.—For the purpose of subsection (b) fellowship conditions shall be established whereby recipients obtain an enforceable contract obligation to provide their professional services, either during their fellowship or upon completion of post-bachelor degree program, to the Native Hawaiian community within the State of Hawaii.

"(d) SPECIAL RULE.—No policy shall be made in implementing this Section to prevent a Native Hawaiian student enrolled at an accredited two or four year degree granting institution of higher education outside of the State of Hawaii from receiving a fellowship pursuant to Paragraphs (a) and (b) of this Section.

"(e) ADMINISTRATIVE COSTS.—No more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) There are authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999 for the purpose of funding the fellowship assistance demonstration project under subsection (a).

"(2) There are authorized to be appropriated \$1,500,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999 for the purpose of funding the fellowship assistance demonstration project provided under subsection (b).

"(3) Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 3808. NATIVE HAWAIIAN GIFTED AND TALENTED DEMONSTRATION PROGRAM.

"(a) GIFTED AND TALENTED DEMONSTRATION AUTHORITY.—

"(1) The Secretary shall provide a grant to, or enter into a contract with, the University of Hawaii at Hilo for—

"(A) the establishment of a Native Hawaiian Gifted and Talented Center at the University of Hawaii at Hilo, and

"(B) for demonstration projects designed to—

"(i) address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented students, and

"(ii) provide those support services to their families that are needed to enable such students to benefit from the project.

Such grant or contract shall be subject to the availability of appropriated funds and, contingent on satisfactory performance by the grantee, shall be provided for a term of 3 years.

"(2) After the term of the grant or contract provided, or entered into, under paragraph (1) has expired, the Secretary shall, for the purposes described in subparagraphs (A) and (B) of paragraph (1), provide a grant to, or enter into a contract with, the public, 4-year, fully accredited institution of higher education located in the State of Hawaii which has made the greatest contribution to Native Hawaiian students. Such grant or contract shall be provided on an annual basis. The grantees shall be authorized to subcontract when appropriate, including with the Children's Television Workshop.

"(b) USES OF FUNDS.—Demonstration projects funded under this section may include—

"(1) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to—

"(A) the emotional and psychosocial needs of these students, and

"(B) the provision of those support services to their families that are needed to enable these students to benefit from the projects;

"(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions;

"(3) the use of public television in meeting the special educational needs of such gifted and talented children;

"(4) leadership programs designed to replicate programs for such children throughout the State of Hawaii and to other Native American peoples, including the dissemination of information derived from demonstration projects conducted under this section; and

"(5) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such children, and

"(B) the provision of those support services to their families that are needed to enable such children to benefit from the projects.

"(c) INFORMATION PROVISION.—The Secretary shall facilitate the establishment of a national network of Native Hawaiian and American Indian Gifted and Talented Centers, and ensure that the information developed by these centers shall be readily available to the educational community at large.

"(d) ADMINISTRATIVE COSTS.—No more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized for projects described in this section there are authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999. Such funds shall remain available until expended.

"SEC. 3809. NATIVE HAWAIIAN SPECIAL EDUCATION PROGRAM.

"(a) SPECIAL EDUCATION AUTHORITY.—The Secretary shall make grants to, and enter into contracts with, Pihana Na Mamo, to operate projects to address the special education needs of Native Hawaiian students. Such projects assisted under this section may include—

"(1) the identification of Native Hawaiian children who are learning disabled, mentally or physically handicapped, educable mentally retarded, or otherwise in need of special educational services;

"(2) the identification of special education needs of such children, particularly at the elementary school level, with attention to—

"(A) the emotional and psychosocial needs of these students, and

"(B) the provision of those support services to their families that are needed to enable such children to benefit from the projects.

"(b) ADMINISTRATIVE COSTS.—No more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) MATCHING FUNDS.—(1) The Secretary may not make a grant or provide funds pursuant to a contract under this subsection—

"(A) in an amount exceeding 83.3 percent of the costs of providing health services under the grant or contract; and

"(B) unless Pihana Na Mamo agrees that the State of Hawaii, the Office of Hawaiian Affairs, or any other non-Federal entity will make available, directly or through donations to the Native Hawaiian Special Education Project, non-Federal contributions toward such costs in an amount equal to not less than \$1 (in cash or in kind under paragraph (2)) for each \$5 of Federal funds provided in such grant or contract.

"(2) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining the amount of non-Federal contributions.

"(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized for such project, there is authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999. Such funds shall remain available until expended.

"SEC. 3810. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, nor any contract be entered into under this part, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this title.

"(b) SPECIAL RULE.—Each application submitted under this title shall be accompanied by the comments of each local educational

agency serving students who will participate in the project for which assistance is sought.

"SEC. 3811. DEFINITIONS.

"For the purposes of this part—

"(1) The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States,

"(B) a resident of the State of Hawaii, and

"(C) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

"(i) genealogical records,

"(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification, or

"(iii) birth records of the State of Hawaii.

"(2) The term 'Secretary' means the Secretary of Education.

"(3) The term 'Native Hawaiian Educational Organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians,

"(B) has Native Hawaiians in substantive and policy-making positions within the organizations,

"(C) has a demonstrated expertise in the education of Native Hawaiian youth, and

"(D) has demonstrated expertise in research and program development.

"(4) The term 'Native Hawaiian Organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians, and

"(B) has Native Hawaiians in substantive and policy-making positions within the organizations,

"(C) is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

"(5) The term 'elementary school' has the same meaning given that term under section 9101 of this Act.

"(6) The term 'local educational agency' has the same meaning given that term under section 9101 of this Act.

"(7) The term 'secondary school' has the same meaning given that term under section 9101 of this Act.

"PART H—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

"SEC. 3901. FINDINGS.

"The Congress makes the following findings:

"(1) It is a worthwhile goal to ensure that all students in America are prepared for responsible citizenship and that all students should have the opportunity to be involved in activities that promote and demonstrate good citizenship.

"(2) It is a worthwhile goal to ensure that America's educators have access to programs for the continued improvement of their professional skills.

"(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means, the teachers who work with them and older Americans so that they may partici-

pate in the programs supported by the Close Up Foundation.

"Subpart 1—Program for Middle and Secondary School Students

"SEC. 3911. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this title to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.

"(b) USE OF FUNDS.—Grants under this title shall be used only for financial assistance to economically disadvantaged students who participate in the program described in subsection (a) of this section. Financial assistance received pursuant to this title by such students shall be known as Allen J. Ellender fellowships.

"SEC. 3912. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this title may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

"(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including physically challenged students, visually- and hearing-impaired students, ethnic minority students, and gifted and talented students; and

"(3) the proper disbursement of the funds of the United States received under this title.

"Subpart 2—Program for Middle and Secondary School Teachers

"SEC. 3915. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this title to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

"(b) USE OF FUNDS.—Grants under this title shall be used only for financial assistance to teachers who participate in the program described in subsection (a) of this section. Financial assistance received pursuant to this title by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 3916. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made only to teachers who have worked with at least one student from his or her school who participates in the programs described in section 101(a);

"(2) that not more than one teacher in each school participating in the programs

provided for in section 101(a) may receive a fellowship in any fiscal year;

"(3) the proper disbursement of the funds of the United States received under this title.

"Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans

"SEC. 3921. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—(1) The Secretary is authorized to make grants in accordance with the provisions of this title to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants and students of migrant parents.

"(2) For the purpose of this subpart, the term 'older American' means an individual who has attained 55 years of age.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who participate in the program described in subsection (a) of this section. Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 3922. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents;

"(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including physically challenged individuals, visually and hearing-impaired individuals, ethnic minorities, and gifted and talented students;

"(3) that activities permitted by section 301(a) are fully described; and

"(4) the proper disbursement of the funds of the United States received under this title.

"Subpart 4—General Provisions

"SEC. 3925. ADMINISTRATIVE PROVISIONS.

"(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

"(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

"SEC. 3926. AUTHORIZATION OF APPROPRIATIONS.

"(a) There are authorized to be appropriated to carry out the provisions of subparts 1, 2, and 3 of this part \$4,400,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in section 3911(a).

"PART I—TERRITORIAL EDUCATION IMPROVEMENT PROGRAM

"SEC. 3931. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) the attainment of a high quality education is important to a society and to each individual;

"(2) it is the policy of the United States that all citizens have a fair opportunity to receive a high quality education;

"(3) such opportunity should extend to United States citizens and nationals residing in the outlying areas;

"(4) reports show that the outlying areas have repeatedly placed last in national education tests which measure knowledge in core subject areas;

"(5) all students must realize their potential if the United States is to prosper; and

"(6) students in the outlying areas require additional assistance if they are to obtain the high standards established for all students in the United States.

"(b) PURPOSES.—The purpose of this part is to authorize an education improvement program for the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and Palau which will assist in developing programs which will enhance student learning, increase the standard of education, and improve the performance levels of all students.

"SEC. 3932. GRANT AUTHORIZATION.

"The Secretary is authorized to make grants to the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and Palau, until the effective date of the Compact of Free Association with the Government of Palau, to fund innovative education improvement programs which will increase student learning.

"SEC. 3933. RESTRICTIONS.

"(a) CONSTRUCTION.—No funds from a grant under section 3922 may be used for construction.

"(b) FULL USE.—If funds authorized under section 3922 are not fully committed within the period of the grant, the grant for the next period shall be reduced by the amount of funds not fully committed.

"SEC. 3934. AUTHORIZATION.

"There are authorized to be appropriated for grants under section 3922 \$5,000,000 for each of the fiscal years 1994 through 1999.

AMENDMENT OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHNER: Beginning on page 372, strike line 20 and all that follows through line 22 on page 397 (and redesignate the subsequent parts accordingly).

Mr. BOEHNER. Mr. Chairman, as we have debated this bill over the last week and the week before in committee, the gentleman from Florida [Mr. MILLER] and I and others have been trying to eliminate a lot of the programs that the President wanted eliminated in the reauthorizing of elementary and secondary education.

The Gore Commission also suggested and recommended a number of programs be eliminated. One such program is the Education for Native Hawaiians.

This program benefits one group of people. It does not benefit the Nation as a whole. Nor does it advance the national education concerns.

The Clinton administration recommended its elimination because the services under the program can be met by other programs.

It is a perfect example of what we are trying to eliminate. As we continue to add programs back to the President's request, we continue to see these small, targeted programs added to this piece of legislation. It takes away its focus. Although the program is well-intended, it is well-meaning, I must ask, is it the role and the responsibility of the Federal Government to provide funding for something this small and this targeted that only serves one State in the Nation.

I suggest to my colleagues that it is not my intent to hurt those from Hawaii, but it is not our role here in Washington to be funding these types of programs.

So I stand here today on behalf of President Clinton, on behalf of Vice President GORE, who have suggested that this program not be funded and not be reauthorized. I ask for the adoption of the amendment.

Mr. KILDEE. Mr. Chairman, I move to strike the last word, and I rise in opposition to this amendment.

A Republican President many years ago reluctantly accepted the annexation of the Hawaiian Islands, and there was a very strange history in that annexation.

Mrs. MINK of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Hawaii.

Mrs. MINK of Hawaii. Mr. Chairman, this obviously is very important to my State. I am afraid that the gentleman from Ohio has mischaracterized it as a program that can be replicated by funds otherwise appropriated by the Elementary, Secondary Education Act.

What he fails to understand is that throughout the history of this Congress, we have paid special recognition to native Americans. We have special legislation even in this very bill to take care of native Americans. This is all that this title does, with reference to the native Hawaiians.

History has not recognized the fact that there are people in Hawaii, when it was a kingdom, that were there and are, therefore, because of annexation, native Americans.

□ 1310

We have struggled over the years to be defined within that definition of native Americans because they were the people who were there before Hawaii became a territory and then later a State.

The takeover of the Kingdom of Hawaii is a tragedy that even now the people of Hawaii are trying desperately

to reconcile. The kingdom was overthrown by military force, by American marines that landed and caused the overthrow of the kingdom and the imprisonment of the then-queen, Lili'uokalani. That in itself would be a tragedy except for the fact that not only was she imprisoned and the government put down, and the American flag raised at that point, but all of the lands that belonged to the kingdom and to the government of the Kingdom of Hawaii were taken and confiscated with not one penny given to the people in exchange.

The Government attempted several times to express its dismay and to express some vocal expression of regret over what happened, but ultimately, since 100 years ago, nothing has been done really to rectify the great harm that was caused the native Americans who were Hawaiians at that point. So all we are trying to do with the Native Hawaiian Education Act is to recognize their special status parallel to all other native Americans in this country. They are not included in the Native American Education Act and all of the provisions and so, therefore, in order to make sure that they are accorded the same recognition, it is imperative that this language be continued. The native Americans have suffered not only the loss of their lands, but the loss of their ability to survive as a group.

In 1920, the Hawaiian Homestead Act was passed by the Congress in a partial recognition of this terrible act that occurred in 1893. But what happened in that restoration, so-called restoration of some of the lands of the native Hawaiians is that the lands that were selected for restoration were in the remotest parts of the then-territory of Hawaii. It did not accord the native Hawaiians an opportunity to live in places where there were jobs, where there were schools, where there was access to the market forces that enabled the State of Hawaii to grow into recent times. Therefore, I beg this Chamber to understand the history of the people who were native to Hawaii before the takeover and not abolish this symbolic program, particularly on the eve on which the State itself is saying to the native Hawaiians in its population, "Try to decide what you want to do for your future." They have passed an enabling act for sovereignty to try to give some dignity to the native Hawaiians there who are struggling to find themselves, to give them respect and dignity.

So this is a small step. If this should fail today, I am afraid that it will send the wrong signal to the State and to its people, and in particular to the native Hawaiians, and will create in their minds a feeling that the Federal Government indeed assumes no obligations for what it did 100 years ago, the very obligation that we are trying to say it must assume.

Last November this Congress unanimously passed the Apologies Resolution in recognition of what happened 100 years ago. Let us not take a step back today by denying these people a small measure of what they were entitled to when they were taken over in 1893.

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentlewoman from Hawaii talks about a very fine program, and I commend it, but the question is really a question of educational pork and whether we have all of these categorical programs in this particular bill.

The gentleman from Ohio [Mr. BOEHNER] and I will be offering a series of amendments to try to delete a lot of these individual programs. We need to focus our resources in title 1 in chapter 2 without adding on another program, another program, another program.

This is a \$13 million program. President Clinton in his budget said this program, "provides educational services exclusively to Hawaiian natives despite the availability similar assistance for eligible Hawaiian natives under such formula grant programs as title I, even start, and special education."

The Gore Commission even recommended this not be continued. We have to start drawing the line. As we vote on the budget tomorrow and vote on a balanced budget amendment, we are going to have to look at \$13 million here and \$10 million there. It adds up to real money.

So I oppose this not because it is not a good program because I think it is a good program. But I just object to a small categorical program just for one segment of the population.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman for yielding.

Let me make it clear that Hawaii qualifies like any other State for all of the educational programs that come out of the Federal Government. But I want to remind my colleagues in the Chamber that there are programs over and above those for Hawaii such as special education for Hawaii that gets a \$2 million authorization. There is a native Hawaiian higher education demonstration project which is another \$2 million, and various other programs beyond this one that are over and above what every other State gets.

I should also bring to my colleagues' attention in the bill on page 374 some language that I take particular exception to. It is section (7) beginning on line 14 which says:

In the year 1893, the United States Minister assigned to the sovereign and independent Kingdom of Hawaii, John L. Stevens,

conspired with a small group of non-Hawaiian residents of the kingdom, including citizens of the United States, to overthrow the indigenous and lawful Government of Hawaii.

Continuing on line 21,

In pursuance of that conspiracy, the United States Minister and the naval representative of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawaii and the United States Minister thereupon extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawaii or the lawful Government of Hawaii in violation of treaties between the two nations and of international law.

Now why we would have this kind of language put into the preface of this program I do not know.

Mrs. MINK of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Chairman, the reason for the inclusion of that language is because it is the truth. It is exactly what happened 100 years ago, and that formula is the basis for our insistence here, year after year, that native Hawaiians as the indigenous people who lived there before they became the territory of Hawaii be accorded the same status as native Americans in all other programs. The Congress has not seen fit to include native Hawaiians as indigenous peoples. They have included Aleuts and the Eskimos and various other people, but not the indigenous people who lived in Hawaii at the time of the takeover.

The facts the gentleman read into the RECORD just now are absolutely true, and all we are saying is that it is time for the United States of America to recognize what they did and to make amends for it. And one of the areas that we insist can be corrected is the disadvantage these people suffer because of the isolation that was foisted upon them when their lands that were returned were in the remotest part of the State, not close to the population centers where education and jobs and other opportunities were available.

Mr. BOEHNER. I understand what the gentlewoman from Hawaii is saying, but I do not know how that differs from the people of Texas and what happened in Texas some time ago. I do not know how that differs from the State of Florida and what happened in Florida many, many years ago.

The fact is, there are enough special programs already in law, already authorized and funded for native Hawaiians. The point is that your Vice President and mine, AL GORE, in his recommendations believes that this program ought to go. The President made it clear in his reauthorization that this program ought to go. And I as a Republican am going to stand here today and offer this on behalf of them.

Mr. FALEOMAVAEGA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have much admiration for my friend who has proposed this amendment. Certainly no one here in this Chamber could not be more conscious of the fact that we are in a very strained situation in our country as far as budget cutting is concerned.

□ 1320

Now, with reference to this gentleman's amendment about the native Hawaiians, I think this is probably one of the issues that our colleagues really need to have a better orientation on—the plight of native Hawaiians when it comes to education; the history and how our country became involved with the native Hawaiians some 100 years ago. It is not a very pretty picture, I would suggest to the gentleman, when our Nation robbed the Hawaiian Islands from its rightful government.

Mr. Chairman, we have 200,000 native Hawaiians living in the State of Hawaii. These people are not begging or asking us that they ought to be given any special treatment. The fact of the matter is, native Americans are given special treatment because the Congress specifically is given that responsibility under the Constitution. I think over the years what we need to understand is that the native Hawaiian community needs this kind of assistance. We ought to assist them.

I respectfully disagree with my President who proposes that we cut this program. I could not agree more with the gentlewoman from Hawaii that we ought to include this program in the educational bill.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I am happy to yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, this Congress has very often belatedly recognized the indigenous people of the United States of America. What advantage the Americans of North America had is that in most instances we at least had the good grace to sign a treaty with them, and in all of those treaties with the native Americans of North America, we promised them almost universally education.

I ask you to go down to the National Archives down the street and read the treaties we have signed with Britain, with Germany, with France, and with the Indian tribes and nations of this country. We promised them education.

We are very slow in delivering that, and we are still not doing it well. But we did give them, and there are programs for Indian education in this country. Belatedly in 1988 we recognized that another group of indigenous people in this country in the State of Hawaii, who did not even have the benefit of a treaty because they were

forcefully taken over, that they had some special educational needs, because their culture was disrupted, their land taken from them. In 1988 this Congress, with great deliberation, decided that we owed them something, and that education was one of the best ways to repay that which we had done to them in the last century. This was very carefully deliberated, very carefully studied. I was part of that.

And to take this away from people who lost their lands, whose culture has been threatened, I think, is something unacceptable.

Mr. FALEOMAVAEGA. Mr. Chairman, I thank the chairman.

Mr. DE LUGO. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I am happy to yield to the gentleman from the Virgin Islands.

Mr. DE LUGO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me say this is a great Nation we belong to, and not all of our history is as it is presented in Warner Brothers technicolor musicals. In fact, some of our history is pretty tough, pretty shameful.

But a great, great nation can correct those things, and that is what this Congress decided to do.

The Vice President served in this House. I have great admiration for him, but he does not at this time serve on the Education Committee. This is a determination of the Education Committee who looked at this question and through the leadership of the gentlewoman from Hawaii [Mrs. MINK], the Education Committee feels strongly that this is a worthy program, a noble program from a great nation to a great people, the Hawaiian native people.

What does this program do? The native Hawaiian program sets up a language immersion project, native Hawaiian family-based education centers, native Hawaiian higher education demonstration program, native Hawaiian gifted and talented program, and native Hawaiian special education program.

What is the amount of money that we are talking about here? Are we going to balance the budget with it? It is less than \$15 million, less than \$15 million to right a terrible wrong that we were a part of.

So I commend the gentlewoman from Hawaii. I commend the gentleman from Michigan, chairman of the subcommittee, and the gentleman from Michigan [Mr. FORD], chairman of the full committee, for supporting this legislation, and I urge the defeat of the amendment.

Mr. HUGHES. Mr. Chairman, I rise in strong support of title III of H.R. 6, particularly the Civic Education Program.

As my colleagues know, the Civic Education Program called We the People, the Citizen and the Constitution teaches students about the history and principles of the Constitution

and the Bill of Rights, and fosters a greater understanding of the importance of civic responsibility and public service.

Enacted by Congress in 1985, the Civic Education Program is now implemented in every State and congressional district in the Nation. The lessons of good citizenship and democratic values, which we all hold dear, have reached an estimated 40,000 schools, 100,000 teachers, and 20,000 young Americans in the classroom.

Under H.R. 6 this program is reauthorized and expanded to establish assistance to schools in the broader context of civic government and law.

Activities and course instruction carried out through this program will involve students in subject matter such as the rights and responsibilities of citizenship, and encouragement of nonviolent means of conflict resolution such as arbitration, mediation, and negotiation.

Our society is already paying the monetary and social costs attributed to a generation of youth who have not received an adequate education in civics and social responsibility.

As we continue to search for solutions to the challenges of crime, drugs, illegitimate births, and violence, which plague a generation of young Americans, it would be tragic if we allowed this situation to persist.

Civic education is a modest investment in crime and violence prevention and provides our young people with the foundation for becoming good citizens and making responsible decisions. We can make a difference in future generations by acting now to instill those principles and values in our very youngest of citizens.

As we struggle to reduce the deficit and get the most out of scarce Federal resources, I fully support the efforts of many of my colleagues to eliminate programs which are not effective or have outlived their usefulness. However, I believe a program which can have such a positive influence on our students and shape the future leaders of this country should be a priority.

If we sincerely care about government "By the People," I urge my colleagues to make an investment to sustain the greatness of our Nation in the next century and beyond by supporting the We the People Civic Education Program.

Mr. KREIDLER. Mr. Speaker, I would like to voice my opposition to Mr. BOEHNER's amendment to H.R. 6, which would eliminate funding for, among other things, civic education programs. The We the People program, which has been helping educate students in my State of Washington since its inception, is one of the programs that this amendment would cut.

Civic education helps meet the need of young people to understand the responsibilities of a democracy. It helps them see how our country's legal system evolved, and how history is comprised of a series of interconnected events rather than simply isolated incidents.

This bipartisan program is endorsed by such organizations as the American Bar Association, the National Association for the Advancement of Colored People [NAACP], the Parent/Teacher Association, and the National School Boards. I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BOEHNER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 213, not voting 22, as follows:

[Roll No. 43]

AYES—203

Allard	Goodlatte	Nussle
Archer	Goodling	Oxley
Armey	Goss	Packard
Bachus (AL)	Grams	Parker
Baker (CA)	Grandy	Paxon
Baker (LA)	Greenwood	Payne (VA)
Ballenger	Gunderson	Penny
Barrett (NE)	Hancock	Peterson (FL)
Bartlett	Hansen	Peterson (MN)
Barton	Harman	Petri
Bateman	Hastert	Pombo
Bentley	Hefley	Porter
Beutner	Herger	Poshard
Bevill	Hoagland	Price (NC)
Bilirakis	Hobson	Pryce (OH)
Bliley	Hoekstra	Quillen
Blute	Hoke	Quinn
Boehlert	Huffington	Ramstad
Boehner	Hunter	Ravenel
Bonilla	Hutchinson	Regula
Browder	Hutto	Ridge
Bunning	Hyde	Roberts
Burton	Inglis	Rogers
Buyer	Inhofe	Rohrabacher
Callahan	Istook	Roth
Calvert	Johnson (CT)	Roukema
Camp	Johnson (SD)	Rowland
Canady	Johnson, Sam	Royce
Castle	Kanjorski	Santorum
Chapman	Kasich	Saxton
Clinger	Kim	Schaefer
Coble	King	Schiff
Collins (GA)	Kingston	Sensenbrenner
Combest	Klug	Shaw
Condit	Knollenberg	Shays
Cooper	Kolbe	Shuster
Coppersmith	Kyl	Sisisky
Costello	Lazio	Skeen
Cox	Leach	Smith (MI)
Cramer	Levy	Smith (NJ)
Crapo	Lewis (CA)	Smith (OR)
Cunningham	Lewis (FL)	Smith (TX)
Deal	Lightfoot	Snowe
DeLay	Linder	Solomon
Dickey	Lipinski	Spence
Doolittle	Livingston	Stearns
Dornan	Machtley	Stenholm
Dreier	Mann	Stump
Duncan	Manzullo	Talent
Dunn	Mazzoli	Tanner
Ehlers	McCandless	Tauzin
Emerson	McCollum	Taylor (MS)
Everett	McCrery	Taylor (NC)
Ewing	McDade	Thomas (CA)
Fawell	McHugh	Thomas (WY)
Fields (TX)	McInnis	Thurman
Fingerhut	McKeon	Torkildsen
Fish	McMillan	Upton
Fowler	Meyers	Valentine
Franks (CT)	Mica	Vucanovich
Franks (NJ)	Michel	Walker
Galleghy	Miller (FL)	Walsh
Gekas	Minge	Weldon
Geren	Molinar	Wolf
Gilchrest	Montgomery	Young (FL)
Gillmor	Moorhead	Zeliff
Gingrich	Morella	Zimmer
Glickman	Myers	

NOES—213

Ackerman	Baessler	Becerra
Andrews (ME)	Barca	Beilenson
Andrews (NJ)	Barcia	Bibray
Applegate	Barlow	Bishop
Bacchus (FL)	Barrett (WI)	Blackwell

Bonior	Holden	Payne (NJ)
Boucher	Horn	Pelosi
Brewster	Hoyer	Pickett
Brown (CA)	Hughes	Pickle
Brown (FL)	Inslee	Pomeroy
Brown (OH)	Jacobs	Rahall
Bryant	Jefferson	Rangel
Byrne	Johnson (GA)	Reed
Cantwell	Johnson, E. B.	Richardson
Cardin	Johnston	Roemer
Carr	Kaptur	Romero-Barcelo
Clay	Kennedy	(PR)
Clayton	Kennelly	Ros-Lehtinen
Clement	Kildee	Rose
Clyburn	Kiecicka	Rostenkowski
Coleman	Klein	Roybal-Allard
Collins (IL)	Klink	Sabo
Collins (MI)	Kopetski	Sanders
Conyers	Kreidler	Sangmeister
Coyne	LaFalce	Sarpalius
Danner	Lambert	Sawyer
Darden	Lancaster	Schenck
de Lugo (VI)	Lantos	Schroeder
DeFazio	LaRocco	Schumer
DeLauro	Laughlin	Scott
Dellums	Lehman	Serrano
Derrick	Levin	Sharp
Deutsch	Lewis (GA)	Shepherd
Diaz-Balart	Lloyd	Skaggs
Dicks	Long	Skelton
Dingell	Lowey	Slattery
Dixon	Maloney	Slaughter
Durbin	Manton	Smith (IA)
Edwards (TX)	Margolies	Spratt
Engel	Mezvinsky	Stark
English	Marky	Stokes
Eshoo	Martinez	Strickland
Evans	Matsui	Studds
Faleomavaega	McCloskey	Stupak
(AS)	McDermott	Swett
Farr	McHale	Swift
Fazio	McKinney	Synar
Fields (LA)	McNulty	Tejeda
Filner	Meehan	Thompson
Flake	Meek	Thornton
Foglietta	Menendez	Torres
Ford (MI)	Mfume	Torricelli
Ford (TN)	Miller (CA)	Towns
Frank (MA)	Mineta	Trafficant
Frost	Mink	Tucker
Furse	Moakley	Underwood (GU)
Gejdenson	Mollohan	Unsoeld
Gephardt	Moran	Velasquez
Gibbons	Murphy	Vento
Gilman	Murtha	Visclosky
Gonzalez	Nadler	Volkmmer
Gordon	Neal (MA)	Waters
Green	Neal (NC)	Watt
Gutierrez	Norton (DC)	Waxman
Hall (OH)	Oberstar	Wheat
Hall (TX)	Obey	Williams
Hamburg	Olver	Wilson
Hamilton	Ortiz	Wise
Hefner	Orton	Wyden
Hilliard	Owens	Wynn
Hinchey	Pallone	Yates
Hochbrueckner	Pastor	Young (AK)

NOT VOTING—22

Abercrombie	Edwards (CA)	Reynolds
Andrews (TX)	Gallo	Rush
Berman	Hastings	Sundquist
Borski	Hayes	Washington
Brooks	Houghton	Whitten
Crane	McCurdy	Woolsey
de la Garza	Natcher	
Dooley	Portman	

□ 1348

The Clerk announced the following pair:

On this vote:

Mr. Sundquist for, with Mr. Abercrombie against.

Mr. WILSON and Mr. HALL of Texas changed their vote from "aye" to "no." Messrs. SMITH of Texas, HASTERT, JOHNSON of South Dakota, QUILLEN, TANNER, and FINGERHUT, Mrs. MORELLA, Mr. BROWDER, and Mr. SISISKY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1350

AMENDMENT OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHNER: Beginning on page 404, strike line 22 and all that follows through line 18 on page 406 (and redesignate the subsequent parts accordingly).

Mr. BOEHNER. Mr. Chairman, this amendment that we have before us would eliminate the \$10 million authorization for the territorial education improvement section of this bill. This program targets one group of people, those people living in the territories such as the Virgin Islands and Guam. It is essentially a combination of two current programs, general assistance to the Virgin Islands and territorial teacher training.

The Clinton administration concluded that the Virgin Islands program is unneeded, and that the territorial program has a limited impact. In addition, the territories will receive monies from other education programs.

Again let me say that I do not want to repeat all the arguments we went through with the native Hawaiian special program, but a lot of the arguments are identical, the same. Those in the territories qualify under the programs like all of the States. The monies are already there, and what this does is further dilute the focus of this program and further dilute the focus of ESEA and in fact give a special pot of money and special assistance to a very targeted, select group of people in this country.

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to make it clear, first of all, that this is not the old territorial assistance program. The Committee on Education and Labor worked hard to try to improve this program, and the program in this bill responds to the results from the National Assessment of Educational Progress, which shows that students in those outlying areas really are placing last in the Nation, not because of lack of intelligence but because of neglect, neglect on the part of their Government.

This new improved program for the territories tries to close that gap between the people in this continent and the people who reside in our territories. These students are the neediest of the needy. The tests indicate that, based on very objective testing.

Mr. Chairman, I urge the defeat of this amendment.

Mr. DE LUGO. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from the Virgin Islands.

Mr. DE LUGO. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his generosity.

The fact is that this program is not a \$10 million program. It is one-half of that. Fliers were passed around by those who are trying to defeat this program.

This flier that is dated March 2, 1994, says at the top, "Get the correct information on H.R. 6." And on this flier it says that this program they are trying to knock out to help the neediest of the needy in our Nation is a \$10 million program.

If we are going to get the facts straight, we should know that it is not a \$10 million program; it is a \$5 million program.

The gentleman said that the territories are treated the same as all the other States. The territories are not treated the same as the States. The territories get a set-aside of 1 percent, and in many cases we have to compete against each other. Our students have to compete for one scholarship against the students from the other territories.

This program is needed by the Americans in the U.S. territories. This is an obligation of this great Nation of ours. These are Americans we are talking about here, and let me say that it does not make me feel good or proud to report to the Members on the figures out in the territories.

Let me say that both the Republican and Democratic administrations have funded the territorial teacher assistance program, and this Congress supported it. But that is not this program. The territorial education improvement program that the term referred to does not reauthorize either of the old programs referred to. What it does is, it addresses a serious need in the territories. The National Education Goal Report shows that in Guam only 7 percent of the students scored at or above the proficient achievement level in math. In the Virgin Islands, the figure is 1 percent.

Do the Members think this is something frivolous that the Committee on Education and Labor is doing here? This is a serious committee. It has worked hard on this issue. It knows that this has merit and, therefore, voted to support it.

Let us look at the figures. In Ohio, it is 22 percent; in Alabama, it is 12 percent. Let us look at Arkansas. These are the most needy of the States. There it is 13 percent versus 1 percent in the U.S. Virgin Islands.

Only two public junior high schools in the Virgin Islands score average in reading skills. That is not above average, but average. And only 16 percent of the students at the high school level in the Virgin Islands read at their grade level.

So what we are fighting for today is help for American citizens that need help. Would the Members vote for more money for jails? Yes, they would vote for more money for jails, but when we vote for more money for education, we

do not have to put more money in for jails because people would be able to get good jobs and live good lives in this great country of ours.

So, Mr. Chairman, I urge my colleagues to vote "no" on this amendment.

Mr. UNDERWOOD. Mr. Chairman, I vote to strike the last word.

Mr. Chairman, I stand in opposition to this amendment. It seems to me that what we have at work here is a perception of the islands as not having a serious life. We are not talking about islands with idyllic conditions. We are not talking about the South Pacific; we are talking about the real Pacific, and these are islands with serious educational problems.

As pointed out by my colleagues, the gentleman from the Virgin Islands, many of the territories—and this is not good news—placed last in many standardized courses. The point of this legislation is not to do a revamping of this system. It is to make a small amount of money, \$5 million, available so that the creative energies of the school systems in those territories can come up with innovative programs that will meet our needs. And they are very unique needs. We are not talking about mainstream children; we are talking about children who come from backgrounds which are clearly not mainstream. They are nonmainstream in every sense of the word—culturally, linguistically politically, socially, and economically, and the reason why we have a program like this is to respond to those unique conditions.

This is \$5 million. We are not talking about something that is going to break the bank, and we are not talking about something that is going to save a lot of money. I know that some of the issues that have been raised earlier about the concerns of the administration in cutting this money clearly are not applicable in this instance.

We are entrusted here with a sense of responsibility and a sense of proportion. We are talking about a limited amount of money for some territories, and we are talking about unique and special circumstances involving geographical distances and the fact that many of the school systems are staffed by people who are not fully certified.

□ 1400

We are talking about a whole range of circumstances here. I have spent most of my life as an educator and I spend most of my life trying to improve education in the territories. And it seems to me that an amendment of this nature is made more pernicious by the fact that it seeks out the most vulnerable in this legislation, H.R. 6. It seeks out those that are most vulnerable and subjects them to the kind of vote that we are going to be faced with on this issue. Not only are territories denied full participation in the politi-

cal process here, we are now facing our own reduction of needed resources in a manner which seeks out those which are most vulnerable and those people are the delegates who represent the territories here.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong opposition to the gentleman's amendment and move to strike the requisite number of words.

Mr. Chairman, H.R. 6 is intended to improve the quality of education for all American students. However, this amendment denies the neediest students the opportunity to receive equal educational opportunities available to other students in this Nation.

The authors of the amendment see these programs as a waste and yet refuse to recognize the special needs and unique circumstances of these Americans in dire need of quality education.

Mr. Chairman, I understand the underlying concern that we should consider only programs which benefit all Americans. But it is imperative that we should also recognize the special needs and unique circumstances of these Americans whose needs are not addressed in our national programs.

Mr. Chairman, this amendment would eliminate important programs such as the Territorial Educational Investment Program, and Education and Native Hawaiians, as was stated earlier.

Mr. Chairman, we want the same things. However, students from the territories continue to be ranked last in the Nation in achievement scores based on results from the last two NAAEP tests and other educational tests. In order for students in the outlying areas to meet mainland achievement levels and meet the high standards supporters of this amendment vigorously seek, Federal assistance is desperately needed.

I firmly believe this educational program will do precisely that. Before you give the students in the outlying areas the quality education provided for under this bill, we must first bring their level of education up to par with mainland levels.

I urge my colleagues to oppose the amendment and to support the chairman in this important piece of legislation.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

Mr. Chairman, I rise again to support my colleague, the gentleman from Ohio [Mr. BOEHNER] to attack unnecessary Federal spending.

This program is targeted to categorical areas, to a select number of people. These territories are eligible for title I money and for Eisenhower money. They are getting the same money we get in Michigan, Ohio, or Florida. So they are getting the money just like

you and I would get. Why do we need to have another little program? It is a small categorical program.

President Clinton did not ask for this. In his budget, let me read what the President says:

The 1995 request would eliminate funding for this program because of its limited impact and because the Territories may use funds to pay for teacher training under the authority to consolidate their allocations for the Department's formula grant programs.

This amendment is only for the territories. It has nothing to do with Close-up, by the way, it is only on this limited area. It is a categorical program. We need to reduce the categorical program and concentrate our money in title II and chapter 1 in the Eisenhower Program.

I yield to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I would point out the territories under the piece of legislation we are considering would get under title I \$70 million. Under chapter 2, they will get \$4,350,000. Under the Eisenhower Program, they will get another \$4 million, plus additional funds in bilingual education funds.

These are what are already authorized in the bill over and above the program that we are trying to eliminate. All we are trying to say is the last program, it is time for it to go.

The President, in his budget request this year, on page 78, says:

The 1995 request would eliminate funding for this program because of its limited impact and because the territories may use funds to pay for teacher training under the authority to consolidate their allocations from the Department's formula grant programs. Also the proposed Eisenhower Professional Development Program would provide an alternative source of support for education or professional development.

So I stand here among my colleagues asking you, the poor children of my district do not get extra money. The poor children in a lot of these districts in America, do not get extra targeted money. That is what in fact we are doing with this program.

Once again, it is a little piece of political pork. But in this case, we have to call it educational pork. We went through this last week. Nobody wants to hear that word pork, but the fact is it shows up everywhere. And as the President indicated in his reauthorization request, he only wanted 26 educational programs in this reauthorization. We are already back up to 46, and we wanted to continue to add more back into here. I think it is time to say "no."

Mr. DE LUGO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are a lot of statements that are made on this floor that are misinforming the Members of this House. The gentleman made reference to a sum of money a little while

ago under title I, and he inferred that money was going to go to the territories. The reality is, my colleagues, that that money is shared by the territories with native American programs and that under that program, the native American gets 62 percent of the funds that the gentleman referred to.

So this is a small program vitally needed for Americans. This is not additional money. There are poor people in every district. But those people are treated as States are treated. The territories are not treated as States. They get less than States, much less than States.

This is a program that is designed to help to raise the standard of education, which is shameful. By your own tests, it is shameful. We want these young people to have a chance at the American dream. We want them to be able to get decent jobs.

Mr. Chairman, I yield to the chairman of the subcommittee.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Chairman, this is a \$5 million program for American citizens and American nationals who are not fully enfranchised, who are very vulnerable.

When I first came to this Congress 18 years ago, I met Phil Burton. Phil Burton had a real love for the people in the territories. He knew what was happening very often to them, not for them. He said, "DALE, you can judge a great nation by how it treats those people in its care who are the most vulnerable and disenfranchised." And they are disenfranchised. They are American nationals or American citizens.

We spend billions of dollars on foreign aid. This is \$5 million out of a \$11 billion program for American citizens and American nationals who we know from the testing are placing last, not because of lack of intelligence, but because of neglect.

Mr. FALEOMAVAEGA. Mr. Chairman, I wanted to thank the chairman, and wanted to make reference to the very eloquent statement made by the gentleman from Guam.

We are at a tremendous disadvantage in this House, and it is not a proud thing that the sponsors of this amendment do by singling out the weakest in this House and the most needy. This was part of a package.

There were four programs here. One of the programs is Closeup. But it was decided to single them out for individual votes, go after the weakest, Hawaii with just two Members, no one else, go after the territories, the Americans in the territories.

We do not even have enough people to man the doors when the time comes to count the votes. But I think we have enough friends in this House to help us man those doors today, and I hope that our friends on the committee and our friends on the House will help their fellow Americans in the territories when

the vote comes on this issue, and say "no" to this small mindedness. Say "no" to this kind of meanness, because this is not some act of great benevolence that you are throwing huge amounts of money before some poor, destitute people. This is money to help American citizens get a decent education.

□ 1410

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. DE LUGO. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, referring to us as "mean people"?

Mr. DE LUGO. Reclaiming my time, Mr. Chairman, I did not refer to anyone as "mean."

I said that it was a mean-spirited act. I stand by those words.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think we ought to stick to the issue instead of throwing darts. When we talk about small-mindedness and meanness, benevolence, I would remind my colleague from the Virgin Islands that it was the President himself who said that this money was not being used wisely, that he wanted to take it out himself, President Clinton. And I take a look at other votes.

The reason this gentleman has a little bit of problem is, we are coming up before the committee and asking not only in other areas but in every area that we take away the money for those that are not Americans, truly. The people from the territories are Americans, but there are a lot of people in this country that are impacting our education and crime and other things that are illegal.

I would like the gentleman's support when we come up with amendments to take those kinds of moneys away so that we will have money for Americans, as the gentleman says.

Second, besides illegal immigration, we look at foreign aid. I agree with the gentleman. We have got too much money going overseas. We have got too much money going to Russia. The only good money, I think, that we do have going to Russia is the elimination, through Nunn-Lugar, where we are doing away with nuclear weapons. But the rest of it we should do away with and focus on the educational programs here.

But when money is not being used effectively, and I would ask the gentleman from the Virgin Islands, does he pay Federal taxes on the same rate that we do here in the United States?

Mr. DE LUGO. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from the Virgin Islands.

Mr. DE LUGO. Mr. Chairman, I served in the military at the same rate.

Mr. CUNNINGHAM. Mr. Chairman, I repeat my question, do the people of the Virgin Islands in the territories pay Federal taxes as we do the same rate here in the United States?

Mr. DE LUGO. Mr. Chairman, the territories do not have a vote in this House.

Mr. CUNNINGHAM. Mr. Chairman, I am asking the gentleman a direct question.

Mr. DE LUGO. Mr. Chairman, what is the question.

Mr. CUNNINGHAM. Does the gentleman pay Federal taxes at the same rate in the territories as we do here in the United States?

Mr. DE LUGO. Mr. Chairman, yes, we pay taxes at the very same rate. It is called the mirror theory.

We pay identical taxes that the gentleman pays here on the mainland, the mirror theory.

Mr. CUNNINGHAM. Maybe this gentleman is misinformed on the Federal tax issue.

Mr. DE LUGO. I pay just as much, the same rate, as the gentleman does. I am a resident of the Virgin Islands.

Mr. CUNNINGHAM. Let me ask this. When the gentleman pays those taxes, does it come to the Federal Treasury or does it go back to the islands? Maybe when the gentleman says that it is a priority of the poorest of the poor, maybe they ought to put the priority on education in their own territory and put those funds where they best do the good.

If we take our Federal moneys and support education, then maybe the gentleman from the Virgin Islands should, too.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Let us first, for the record, state that there are no mean Members in this House. There are just mean amendments. There are certainly not mean-spirited Members in this House. There are just mean-spirited amendments. But there are cheap tricks and cheap shots in this society.

I think it is very easy to refer to the people who are American citizens as "those people in the territories." I think what we have to do around here is to begin to pay more attention to the language we use, if indeed we are not intending to use that language, or admit that the language we use is the language we intend to use.

The fact of life is that, as has been said here, the Members who represent the territories are at a disadvantage. This is not to make them seem inferior, but on this floor, in some ways, they are. They cannot vote and, therefore, nobody counts their vote when putting together votes. Therefore, it is very easy to get up and single them out.

Second, when we have a Member who I respect get up and say, maybe the

gentleman should set certain priorities in his territory, that gives the impression that we are talking about a foreign country far away that has nothing to do with us.

I think we need every so often to do a little history here and to understand who we are as a nation and why we have territories. We have the territory, in some cases, because we purchased it from somebody. And we have the territory, which I was born in, because we invaded it. We invaded it in 1898, and we have not left yet. We invaded it in 1898, we have not removed the troops yet.

Now, I feel a special pain when I have to speak on this issue, because I look to my right at the gentleman from the Virgin Islands [Mr. DE LUGO], and I look to my left at the gentleman from Guam [Mr. UNDERWOOD], and I look at the gentleman from California [Mr. BECERRA], and I look at my brother, the gentleman from American Samoa [Mr. FALOMAVAEGA], and I say, if I had not moved to New York, I would be in their same situation. For the life of me, I do not understand this arrangement we have with our territories that says if I move from New York back to Puerto Rico, I cannot vote for my Commander in Chief. I cannot have a voice in this House. And not only that, but I have a very limited amount of power to defend myself when mean amendments come from very nice Members, when very nice Members are so misguided, confused, and intolerant at times to bring amendments that single out for \$5 million.

Granted, \$5 million in my pocket would be a lot of money; \$5 million in this kind of budget, in this kind of a program, we are talking peanuts.

Why are we singling that out, I do not understand.

But we do understand, do we not. It is the fact that they cannot vote to defend themselves. It is the fact that half the American people think we are talking about foreign aid, and it is the fact that they have not gotten their house in order according to us.

Perhaps it is time that we got our House in order and understood how these territories came to be and understood that all these folks are asking for is for the opportunity to treat American citizens with some dignity and some respect.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, as I mentioned earlier in this debate, the territories get money off of the top in at least four different programs. The point that we are making in this debate is about one additional program.

We talk about this mean amendment. Let me reiterate, it was President Clinton who said that we should not reauthorize this program.

Mr. SERRANO. Mr. Chairman, let me tell the gentleman, I am very happy to see that he has now become a follower of the President and that he will probably do so on other votes on the floor. That holds very little water with us.

Mr. BOEHNER. Mr. Chairman, if the gentleman will continue to yield, every once and awhile, he is right.

Mr. SERRANO. There are things that come to this floor that we change. There are things that come to committee that we change. There are some space shuttles here that we could go after. There are some bombs we could go after. There are some airplanes that cost \$800 million that we could go after. Why we go after \$5 million for American citizens who simply want something that resembles equal educational opportunities is beyond me.

I would hope, sir, that either today or in the future we would reconsider these kinds of amendments and at least put them on Members that can vote with the equal amount of vote on the floor rather than take this kind of a shot.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Once again, I am a little disturbed at the way the debate has deteriorated here, because it seems to me that we are tossing around the terms of "mean-ness" and "mean-spiritedness," when in fact there are legitimate issues here to be raised.

The gentleman who just spoke referred to this as being nothing, \$5 million.

It is nothing? That is every dime of taxes paid by 1,000 American working families. They think that is a good bit of money. It is not nothing to them. That is every dime that they work to pay into the Federal Government, and in many cases, when we look at their tax burden, those middle-class families, about half of all the money they are making is going to one kind of tax or another, including the \$5,000 or so that they pay in their Federal taxes.

They think that is a lot of money, and they think it is something that maybe we ought to look at and examine, when we have these issues on the floor.

As the gentleman from Ohio pointed out, it is something that was understood when the President was putting together his budget.

□ 1440

I do not think the President put together a mean spirited budget. He put together a budget where I do not agree with some of his priorities. I do agree with some of his priorities. The fact is that these are budget priorities that we have to deal with, not in a sense of whether they are mean spirited but in the sense of whether or not they are things we can afford.

One of the things the President said we cannot afford at this point is to

spend this money. One of the reasons for is that is because there are in fact revenue streams that are far different than what they have been portrayed on the floor.

One of the gentleman said a moment ago they pay exactly the same rate of Federal tax as everybody else does. That is true, but all the tax stays in the territory. I wish my State could do that. I wish my State could take every dime of tax that was collected for the Federal Government in the State and keep it in the State.

I will tell the Members, we would have a real nice time in our State dealing with education and a lot of that if we could do it that way, but instead, what the gentleman wants to do is keep all the money he collects in taxes in his State and then take some of the money collected in my State and spend it in the territories.

When the gentleman is making that kind of decision, we have an obligation here to decide whether or not that is the way we want to prioritize the money. That is all we are doing here. That is not mean spirited. That is in fact in the best traditions of the House, deciding what we regard as priorities within the spending we do.

In this case the gentleman from Ohio [Mr. BOEHNER] is defending a position that the President of the United States has endorsed. I would hope that this House would take that seriously, because it seems to me it is something that we have to make as a real determination here, if we want to be real in terms of funding.

As I say, I am a little tired of hearing middle class Americans who day in and day out suffer and sweat in order to pay their taxes portrayed here as not doing enough and as being mean spirited when they want their money spent the right way.

Mr. BECERRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will only be brief because I think the arguments have been made on both sides, but I must say to my colleagues, and perhaps more to the people that are watching this on their television sets, that it is very sad when we get to the point on the floor of this House that we are debating whether or not to provide some money for children who need to be educated, whether they are here in the State we live in or whether they are in a territory that we occupy and we live with these individuals, whether they are in the Virgin Islands, any other place, any other commonwealth.

What we have to understand, I hope, on this floor is what most people understand in their daily existence as they come home and they see their children. We need to educate people because these are the people that will be providing the moneys when we retire. It just seems to make no sense to me

to talk about extracting \$5 million from a program that has shown success for children, for children who will, if they have to, serve in war to defend this country, for children who will, if called upon, provide tax dollars for people in this country, for children who will, when they grow up and become doctors, lawyers, teachers, provide the services that our children will need in the future.

For us to be talking about depriving these children of a few dollars, and it is a few, given what we do, when I think about what happened in Los Angeles in the earthquake, and the fact that in an emergency earthquake bill we included along with earthquake dollars \$1.2 billion, not \$5 million, \$1.2 billion for the military at a time when we were trying to allocate moneys for those suffering from the earthquake, I find it ironic that here we are talking about extracting \$5 million for children in programs that we know have worked.

Mr. CUNNINGHAM. Would my friend, the gentleman from California, yield?

Mr. BECERRA. I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank my friend, the gentleman from California, for yielding to me.

I think what we are trying to say on this side of the aisle, and I know this Member, is that if the gentleman is keeping those tax dollars in the territories, that we would ask that those tax dollars go for the priority that the gentleman is asking for in education. I have been in Guam and I know how poor it is in Guam. I have been in the Virgin Islands. It is not quite so much. I know there is need there.

However, at the same time, if we can focus on programs that the gentleman is receiving from the other four programs, we are not trying to take money away from children, but to focus on the programs in education, that is doing exactly what the gentleman from California is saying.

I think that is our problem. We do not feel this is effective, and the President did not feel it was effective, and those tax dollars kept in the islands should be prioritized better.

Mr. BECERRA. I appreciate the remarks of the gentleman from California [Mr. CUNNINGHAM], my colleague, in his response. However, I must tell the gentleman in all sincerity that we somehow believe, or seem to believe, that people who live in the Virgin Islands or people who are living in Guam or people who live in Samoa or people who live in Puerto Rico somehow never contribute, because they happen to live outside the 48 States or the 2 States that happen to be removed from the contiguous United States.

That is not the case. These are people like the gentleman standing right next to me, who has constantly contributed. Whether he is a Member of this Congress or not, he has contributed.

I think we should recognize that there are children in the Virgin Islands and in other territories that will contribute. For us to say that we are going to save \$5 million, and at the same time we are talking about depriving these children of a chance to become educated in an area, a territory that we are responsible for, seems very mean spirited.

Mr. DE LUGO. Will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. I thank the gentleman for yielding.

Let me say to the gentleman from California [Mr. CUNNINGHAM] that at this point we spend over one-quarter of our total budget for education in the Virgin Islands. The largest single percentage goes toward education, but it is not enough.

Now as for the tax money, these are territories. This is a constitutional question, and a question that has been decided by this House. If the gentleman gives the Representatives from the territories a vote in this House, if we had the power to vote for our Commander in Chief when we go and fight and die for our country, then it would be different.

However, this Nation has decided that when we do not allow its citizens to vote for the President, to vote for the Commander in Chief, when we do not allow our citizens to have a real, meaningful role in this House, they will not pay taxes; they will pay at the same rate, but the taxes stay in the territory.

It is not much. It is not enough to run the territory, but that is where it stays. However, we need more help. That is what this is about. This is not a program that the President has opposed. This is a new program, and a needed program for all of the territories; \$5 million used to be for the Virgin Islands alone. It was a different program. This is a \$5 million program for all the territories.

Mr. HOEKSTRA. I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment, and yield to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I would just respond that no one is questioning the integrity of the people from the territories. No one is trying to make this an argument between citizens of this country and citizens of the States versus the citizens of the territories. That is not the issue. Nor is it the issue that we are trying to eliminate funding from this bill going to the territories.

Let me remind the Members, under title I the territories are authorized for up to \$70 million. Under chapter 2, they are authorized for \$4.35 million. Under the Eisenhower program, they are au-

thorized up to \$4 million. What we are talking about here is \$5 million for another new program to take the place of two old programs that the President wanted eliminated.

Mr. Chairman, we did this shell game earlier in the bill, where the President wanted to get rid of the follow through program, so we initiated another program, gave it a new title, but it is in fact the same program.

What we are doing here is, we are going to supply \$5 million, if this issue stays in the bill, the same amount of money that they had authorized before, to the territories under a new name. The fact is, \$5 million, it is enough. It is just time to say, "No, we are not going to dissect this bill into a million more pieces. This is one piece that we are going to try to keep out of the bill and keep some focus to what we are trying to accomplish in this reauthorization."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BOEHNER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 220, not voting 16, as follows:

[Roll No. 44]

AYES—202

Allard	Dickey	Hutchinson
Archer	Doollittle	Hutto
Armey	Dornan	Hyde
Bachus (AL)	Dreier	Inglis
Baker (CA)	Duncan	Inhofe
Baker (LA)	Dunn	Istook
Ballenger	Ehlers	Johnson (CT)
Barca	Emerson	Johnson (SD)
Barrett (NE)	Everett	Johnson, Sam
Bartlett	Ewing	Kanjorski
Barton	Fawell	Kasich
Bateman	Fields (TX)	Kim
Bentley	Fish	King
Bevill	Fowler	Kingston
Billbray	Franks (CT)	Klug
Billirakis	Franks (NJ)	Knollenberg
Bliley	Galleghy	Kolbe
Blute	Gekas	Kyl
Boehlert	Geren	Laughlin
Boehner	Gilchrest	Lazio
Bonilla	Gillmor	Leach
Bunning	Gilman	Levy
Burton	Gingrich	Lewis (CA)
Buyer	Goodlatte	Lewis (FL)
Callahan	Goodling	Lightfoot
Calvert	Goss	Linder
Camp	Grams	Lipinski
Canady	Grandy	Livingston
Castle	Greenwood	Machtley
Chapman	Gunderson	Mann
Clinger	Hancock	Manzullo
Coble	Hansen	McCandless
Collins (GA)	Harman	McCollum
Combust	Hastert	McCrery
Condit	Heffley	McDade
Cooper	Herger	McHugh
Coppersmith	Hoagland	McInnis
Costello	Hobson	McKeon
Cox	Hoekstra	McMillan
Cramer	Hoke	Meyers
Crapo	Horn	Mica
Cunningham	Houghton	Michel
Deal	Huffington	Miller (FL)
DeLay	Hunter	Minge

Molinari	Roberts
Moorhead	Rogers
Morella	Rohrabacher
Myers	Roth
Nussle	Roukema
Oxley	Rowland
Packard	Royce
Parker	Santorum
Paxon	Saxton
Payne (VA)	Schaefer
Penny	Schiff
Peterson (FL)	Sensenbrenner
Peterson (MN)	Shaw
Petri	Shays
Pombo	Shuster
Porter	Skeen
Poshard	Skelton
Pryce (OH)	Smith (MI)
Quillen	Smith (NJ)
Quinn	Smith (OR)
Ramstad	Smith (TX)
Ravenel	Snowe
Regula	Solomon
Ridge	Spence

NOES—220

Abercrombie	Gejdenson	Montgomery
Ackerman	Gephardt	Moran
Andrews (NJ)	Gibbons	Murphy
Applegate	Glickman	Murtha
Bacchus (FL)	Gonzalez	Nadler
Baer	Gordon	Neal (MA)
Barcia	Green	Neal (NC)
Barlow	Gutierrez	Norton (DC)
Barrett (WI)	Hall (OH)	Oberstar
Becerra	Hall (TX)	Obey
Bellenson	Hamburg	Oliver
Bereuter	Hamilton	Ortiz
Berman	Hayes	Orton
Bishop	Hefner	Owens
Blackwell	Hilliard	Pallone
Bonior	Hinchey	Pastor
Boucher	Hochbrueckner	Payne (NJ)
Brewster	Holden	Pelosi
Browder	Hoyer	Pickett
Brown (CA)	Hughes	Pickle
Brown (FL)	Inslee	Pomeroy
Brown (OH)	Jacobs	Price (NC)
Bryant	Jefferson	Rahall
Byrne	Johnson (GA)	Rangel
Cantwell	Johnson, E. B.	Reed
Cardin	Johnston	Richardson
Carr	Kaptur	Roemer
Clay	Kennedy	Romero-Barcelo
Clayton	Kennelly	(PR)
Clement	Kildee	Ros-Lehtinen
Clyburn	Kleczka	Rose
Coleman	Klein	Rostenkowski
Collins (IL)	Klink	Roybal-Allard
Collins (MI)	Kopetski	Rush
Conyers	Kreidler	Sabo
Coyne	LaFalce	Sanders
Danner	Lambert	Sangmeister
Darden	Lancaster	Sarpalius
de Lugo (VI)	Lantos	Sawyer
DeFazio	LaRocco	Schenk
DeLauro	Lehman	Schroeder
Dellums	Levin	Schumer
Derrick	Lewis (GA)	Scott
Deutsch	Lloyd	Serrano
Diaz-Balart	Long	Sharp
Dicks	Lowe	Shepherd
Dingell	Maloney	Sisk
Dixon	Manton	Sisk
Dooley	Margolies-	Slattery
Durbin	Mezvinsky	Slaughter
Edwards (TX)	Markey	Smith (IA)
Engel	Martinez	Spratt
English	Matsui	Stark
Eshoo	Mazzoli	Stokes
Evans	McCloskey	Strickland
Faleomavaega	McCurdy	Studds
Farr	McDermott	Stupak
Fazio	McHale	Swett
Fields (LA)	McKinney	Swift
Filner	McNulty	Synar
Fingerhut	Meehan	Tejeda
Flake	Meek	Thompson
Foglietta	Menendez	Thornton
Ford (MI)	Mfume	Torres
Ford (TN)	Miller (CA)	Torricelli
Frank (MA)	Mineta	Towns
Frost	Mink	Trafficant
Furse	Moakley	Tucker
	Mollohan	Underwood (GU)

Unsoeld	Waxman	Wyden
Velazquez	Wheat	Wynn
Vento	Williams	Yates
Visclosky	Wilson	Young (AK)
Waters	Wise	
Watt	Woolsey	

NOT VOTING—16

Andrews (ME)	Edwards (CA)	Sundquist
Andrews (TX)	Gallo	Volkmer
Borski	Hastings	Washington
Brooks	Natcher	Whitten
Crane	Portman	
de la Garza	Reynolds	

□ 1450

Messrs. ORTIZ, APPELEGATE, and BROWN of Ohio, and Ms. FURSE changed their vote from "aye" to "no."

Mr. MCCOLLUM changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

"TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"SEC. 4001. SHORT TITLE.

"This title may be cited as the 'Safe and Drug-Free Schools and Communities Act of 1994'.

"SEC. 4002. FINDINGS.

"The Congress finds as follows:

"(1) National Education Goal Six provides that by the year 2000, all schools in America will be free of drugs and violence and offer a disciplined environment that is conducive to learning.

"(2) The widespread illegal use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to their physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately three million thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day. Approximately one of every five high school students now carries a firearm, knife, or club on a regular basis.

"(4) The tragic consequences of violence and the illegal use of alcohol and drugs by students are felt not only by students and their families, but by their communities and the Nation, which can ill afford to lose their skills, talents, and vitality.

"(5) While use of illegal drugs is a serious problem among a minority of teenagers, alcohol use is far more widespread. The proportion of high school students using alcohol, though lower than a decade ago, remains unacceptably high. By the 8th grade, 70 percent of youth report having tried alcohol and by the 12th grade, about 88 percent have used alcohol. Alcohol use by young people can and does have adverse consequences for users, their families, communities, schools, and colleges.

"(6) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety

and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(7) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve their goals of providing a safe, disciplined, and drug-free learning environment.

"SEC. 4003. PURPOSE.

"The purpose of this title is to support programs to meet Goal Six of the National Educational Goals by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol and drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

"(2) States for grants to local and intermediate educational agencies and consortia for grants to, and contracts with, community-based organizations and other public and private non-profit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

"(3) States for development, training, technical assistance, and coordination activities;

"(4) public and private non-profit organizations to conduct training, demonstrations, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth; and

"(5) institutions of higher education for the development and implementation of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and drugs by such students.

"SEC. 4004. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) for State grants under part A, \$630,000,000 for fiscal year 1995 and such sums as may be necessary for each of fiscal years 1996 through 1999; and

"(2) for national programs under part B, \$25,000,000 for fiscal year 1995 and such sums as may be necessary for each of fiscal years 1996 through 1999.

"(b) AVAILABILITY.—(1) Appropriations for any fiscal year for payments made under this title in accordance with regulations of the Secretary may be made available for obligation or expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year.

"(2) Funds appropriated for any fiscal year under this title shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.

"PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

"SEC. 4101. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—From the amount appropriated for each fiscal year under section 5004(a)(1), the Secretary—

"(1) shall reserve 1 percent of such amount for grants under this part to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), to be allotted in accordance with their respective needs;

"(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

"(3) shall reserve 0.2 percent for programs for Native Hawaiians under section 5202; and

"(4) may reserve no more than \$1,000,000 for the national impact evaluation required by section 5106(a).

"(b) STATE ALLOTMENTS.—(1) Except as provided under paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1124 and 1124A of this Act for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as in effect on the day before enactment of the Safe and Drug-Free Schools and Communities Act Amendments of 1994) and the sum of such amounts received by all the States.

"(2) For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallocations shall be made on the same basis as allotments made under paragraph (1).

"(4) For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4102. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive its allotment under section 5101 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) designates the State educational agency as the State agency responsible for the administration and supervision of programs assisted with its allotment under section 5101;

"(2)(A)(i) is integrated into the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; and

"(ii) is submitted, if necessary, as an amendment to the State's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section;

"(3) contains the results of the State's needs assessment for drug and violence pre-

vention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

"(4) has been developed in consultation with the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State child welfare agency, and the heads of the State criminal and juvenile justice planning agencies;

"(5) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 5104;

"(6) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 5106(a); and

"(7) includes any other information the Secretary may require.

"(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5103(a) by the State educational agency that includes—

"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures it will use for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 5105;

"(3) a description of how the State educational agency will use funds it reserves under section 5103(b);

"(4) a description of how the State educational agency will coordinate its activities under this part with drug and violence prevention efforts of other State agencies; and

"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 5103(d)(2)(A)(i)(II) and how the supplemental funds will be allocated among those local educational agencies.

"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this part that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review its application and comprehensive plan otherwise required by this section. A State may not receive a grant under this part for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved its application and comprehensive plan.

"SEC. 4103. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

"(a) USE OF FUNDS.—(1) Except as provided in paragraph (2), the total amount allocated to a State under section 5101 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(2)(A) If a State has, on or before January 1, 1994, established an independent State

agency for the purpose of administering all of the funds described in section 5121 of this Act (as such section was in effect on the day before the date of the enactment of the Safe and Drug-Free Schools and Communities Act Amendments of 1994), then—

"(i) an amount equal to 70 percent of the total amount allocated to such State under section 5101 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section; and

"(ii) an amount equal to 30 percent of such total amount shall be used by such independent State agency for drug and violence prevention activities in accordance with section 5122 of this Act (as such section was in effect on the day before the date of the enactment of the Safe and Drug-Free Schools and Communities Act Amendments of 1994).

"(B) Not more than 2.5 percent of the amount reserved under subparagraph (A)(ii) may be used for administrative costs of the independent State agency incurred in carrying out the activities described in such subparagraph.

"(C) For purposes of this paragraph, the term 'independent State agency' means an independent agency with a board of directors or a cabinet level agency whose chief executive officer is appointed by the chief executive officer of the State and confirmed with the advice and consent of the senate of such State.

"(b) STATE LEVEL PROGRAMS.—(1) A State educational agency shall use no more than five percent of the amount reserved under subsection (a) for activities such as—

"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, counselors, coaches and athletic directors, other educational personnel, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

"(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

"(C) demonstration projects in drug and violence prevention;

"(D) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this part; and

"(E) the evaluation of activities carried out within the State under this part.

"(2) A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) STATE ADMINISTRATION.—(1) A State educational agency may use no more than four percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

"(2) In administering its programs under this part, a State educational agency may not delegate or transfer any administrative functions in any manner to any other State entity.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1) A State educational agency shall distribute not less than 92 percent of the amount reserved under subsection (a) for

each fiscal year to local educational agencies in accordance with this subsection.

"(2)(A)(i) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—

"(I) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private non-profit schools within their boundaries; and

"(II) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this part.

"(ii) To the extent practicable, not less than 25 percent of the amount specified in clause (i)(II) for a fiscal year shall be distributed to local educational agencies located in rural areas.

"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(i)(II) to no more than ten percent of its local educational agencies, or five such agencies, whichever is greater.

"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider such factors as—

"(I) high rates of alcohol or other drug use among youth;

"(II) high rates of victimization of youth by violence and crime;

"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(IV) the extent of illegal gang activity;

"(V) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VI) high rates of referrals of youths to juvenile court;

"(VII) high rates of expulsions and suspensions of students from schools; and

"(VIII) high rates of reported cases of child abuse and domestic violence.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to it under subsection (d), or if its application under section 5104 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local education agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.

"(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—(1) Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency, intermediate educational agency, or consortium under this title receives its allocation under this title—

"(A) such agency or consortium shall return to the State educational agency any funds from such allocation that remain unobligated; and

"(B) the State educational agency shall reallocate any such amount to local educational agencies, intermediate educational agencies, or consortia that have plans for using such amount for programs or activities on a timely basis.

"(2) In any fiscal year, a local educational agency, intermediate educational agency, or consortium may retain for obligation in the succeeding fiscal year—

"(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

"(B) upon a demonstration of good cause by such agency or consortium, a greater

amount approved by the State educational agency.

"SEC. 4104. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) In order to be eligible to receive an allocation under section 5103(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2)(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, appropriate state agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop its application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an on-going basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency on how best to coordinate its activities under this part with other related programs, projects, and activities, including community service and service learning projects, and the agencies that administer them; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve its drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) an assessment of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how that plan is consistent with, and promotes the goals in, the State's application under section 5102 and the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the local educational agency does not have such an approved plan and is not developing one, its plan under section 1112 of this Act;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how it will assess and publicly report progress toward attaining these goals;

"(C) the local educational agency's comprehensive plan for programs to be carried out under this part;

"(D) how the local educational agency will use its regular allocation under section 5103(d)(2)(A)(i)(I) and its supplemental allocation, if any, under section 5103(d)(2)(A)(i)(II);

"(E) how the local educational agency will coordinate its programs and projects with

community-wide efforts to achieve its goals for drug and violence prevention; and

"(F) how the local education agency will coordinate its programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

"(3) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—(1) In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

"(2)(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which it is consistent with, and supports, the State's application under section 5102 and the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of this Act.

"(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of this Act, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

"SEC. 4105. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this part to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning;

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs assessments, goals, and programs under this part; and

"(3) include community-based prevention and education activities in accordance with the requirements of subsection (c).

"(b) AUTHORIZED ACTIVITIES.—A comprehensive drug and violence prevention program carried out under this part may include—

"(1) age-appropriate, developmentally based drug prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug prevention, comprehensive health education, early interven-

tion, counseling, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug prevention;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, counseling or rehabilitation referral;

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol and other drug use, such as—

"(i) family counseling;

"(ii) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

"(iii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment; and

"(D) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

"(5) subject to the requirements of the matter following paragraph (8), not more than one half of the cost of—

"(A) minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks; and

"(B) acquiring and installing metal detectors and hiring security personnel;

"(6) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings; and

"(7) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement;

"(8) the evaluation of any of the activities authorized under this subsection.

A local educational agency may use no more than 33 percent of the funds it receives under

this part for any fiscal year for the activities described in paragraph (5).

"(c) COMMUNITY-BASED PREVENTION ACTIVITIES.—(1) A local educational agency shall expend not less than 21 percent of the funds received under this part on grants or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations. Such grants or contracts shall support community-based drug abuse and violence prevention programs and activities described in paragraph (2). In awarding such grants or contracts, the local educational agency shall give priority to programs of demonstrated effectiveness and programs which have previously received assistance under section 5122 of the Drug-Free Schools and Communities Act of 1986.

"(2) Grants and contracts under paragraph (1) shall be used for programs and activities such as—

"(A) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, community service and service learning projects, law enforcement, health, mental health, and other appropriate services;

"(B) planning and implementing drug and violence prevention activities that coordinate the efforts of community-based agencies with those of the local educational agency;

"(C) activities to protect students traveling to and from school;

"(D) developing and implementing strategies to prevent illegal gang activity;

"(E) coordinating and conducting community-wide violence and safety assessments and surveys; and

"(F) programs and activities which address the needs of children and youth who are not normally served by the local educational agency, including preschoolers, dropouts, youth in juvenile detention facilities, and runaways or homeless children and youth;

"(G) disseminating information about drug and violence prevention;

"(H) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral; and

"(I) before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings.

"(d) ADMINISTRATIVE PROVISIONS.—Notwithstanding any other provisions of law, any funds expended prior to July 1, 1995, under part B of the Drug-Free Schools and Communities Act of 1986 (as in effect prior to enactment of the Improving America's Schools Act) for the support of a comprehensive school health program shall be deemed to have been authorized by part B of such Act.

"SEC. 4106. EVALUATION AND REPORTING.

"(a) NATIONAL IMPACT EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs under this part and submit a report of the findings of such evaluation to the President and the Congress.

"(b) STATE REPORT.—(1) By October 1, 1997, and every third year thereafter, the State educational agency shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 5103(b) and local programs under section 5103(d), as well as an assessment of their effectiveness; and

"(B) on the State's progress toward attaining its goals for drug and violence prevention under section 5103(b)(1).

"(2) The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) **LOCAL EDUCATIONAL AGENCY REPORT.**—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

"PART B—NATIONAL PROGRAMS

"SEC. 4201. FEDERAL ACTIVITIES.

"(a) **PROGRAM AUTHORIZED.**—From funds appropriated under section 5004(a)(2), the Secretary of Education, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, preschool through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention that are carried out in cooperation with other Federal agencies, including the Department of Health and Human Services, the Department of Justice, the Department of Housing and Urban Development, and the Department of Labor;

"(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 509 of the Public Health Service Act;

"(4) the development, dissemination, and implementation of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students;

"(5) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary school children;

"(6) program evaluations that address issues not addressed under section 5106(a);

"(7) direct services to schools and school systems afflicted with especially severe drug and violence problems;

"(8) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(9) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

"(10) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

"(11) the implementation of innovative activities, such as community service projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility.

"(12) other activities that meet unmet national needs related to the purposes of this title; and

"(13) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking.

"(b) **PEER REVIEW.**—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 4202. PROGRAMS FOR NATIVE HAWAIIANS.

"(a) **GENERAL AUTHORITY.**—From the funds reserved pursuant to section 5101(a)(3), the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this for the benefit of Native Hawaiians.

"(b) **DEFINITION OF 'NATIVE HAWAIIAN'.**—For the purposes of this section, the term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"PART C—GENERAL PROVISIONS

"SEC. 4301. DEFINITIONS.

"For the purposes of this title, the following terms have the following meanings:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(2) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(3) The term 'school-aged population' means the population aged five through 17, inclusive, as determined by the Secretary on the basis of the most recent satisfactory

data available from the Department of Commerce.

"(4) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"SEC. 4302. MATERIALS.

"(a) **'WRONG AND HARMFUL' MESSAGE.**—Drug prevention programs supported under this title shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) **CURRICULUM.**—The Secretary shall not prescribe the use of specific curricula for programs supported under this title, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"SEC. 4303. PROHIBITED USES OF FUNDS.

"No funds under this title may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this title);

"(2) drug treatment or rehabilitation; and

"(3) psychiatric, psychological, or other medical treatment or rehabilitation, other than school-based counseling for students or school personnel who are victims or witnesses of school-related crime.

"SEC. 4304. CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS.

"(a) **IN GENERAL.**—Notwithstanding any other provision of law other than section 432 of the General Education Provisions Act and section 103(b) of the Department of Education Organization Act, no local educational agency shall be eligible to receive funds or any other form of financial assistance under any Federal program unless it certifies to the State educational agency that it has adopted and has implemented a program to prevent the use of illicit drugs and alcohol by students or employees that, at a minimum, includes—

"(1) age-appropriate, developmentally based drug and alcohol education and prevention programs (which address the legal, social, and health consequences of drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol) for students in all grades of the schools operated or served by the applicant, from early childhood level through grade 12;

"(2) conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;

"(3) standards of conduct that are applicable to students and employees in all the applicant's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises or as part of any of its activities;

"(4) a clear statement that sanctions (consistent with local, State, and Federal law), up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by paragraph (3) and a description of those sanctions;

"(5) information about any available drug and alcohol counseling and rehabilitation and re-entry programs that are available to students and employees;

"(6) a requirement that parents, students, and employees be given a copy of the standards of conduct required by paragraph (3) and the statement of sanctions required by paragraph (4);

"(7) notifying parents, students, and employees that compliance with the standards of conduct required by paragraph (3) is mandatory; and

"(8) a biennial review by the applicant of its program to—

"(A) determine its effectiveness and implement changes to the program if they are needed; and

"(B) ensure that the sanctions required by paragraph (4) are consistently enforced.

"(b) DISSEMINATION OF INFORMATION.—Each local educational agency that provides the certification required by subsection (a) shall, upon request, make available to the Secretary, the State educational agency, and to the public full information about the elements of its program required by subsection (a), including the results of its biennial review.

"(c) CERTIFICATION TO SECRETARY.—Each State educational agency shall certify to the Secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by its students and employees that is consistent with the program required by subsection (a) of this section. The State educational agency shall, upon request, make available to the Secretary and to the public full information about the elements of its program.

"(d) REGULATIONS.—(1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for—

"(A) the periodic review by State educational agencies of a representative sample of programs required by subsection (a); and

"(B) a range of responses and sanctions for local educational agencies that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

"(2) The sanctions required by subsection (a)(1)(4) may include the completion of an appropriate rehabilitation program.

"(e) APPEAL REGARDING TERMINATION OF ASSISTANCE.—Upon a determination by the Secretary to terminate financial assistance to any local educational agency under this section, the agency may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such agency is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the agency concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action."

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT OFFERED BY MR. BARRETT OF NEBRASKA

Mr. BARRETT of Nebraska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARRETT of Nebraska:

—Page 413, strike line 14 and all that follows through line 17.

—Page 413, line 18, strike "(2)" and insert "(1)".

—Page 414, line 6, strike "(3)" and insert "(2)".

—Page 414, line 12, strike "(4)" and insert "(3)".

—Page 414, line 18, strike "(5)" and insert "(4)".

—Page 414, line 22, strike "(6)" and insert "(5)".

—Page 415, line 1, strike "(7)" and insert "(6)".

—Page 416, after line 4, insert the following:

"(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4103A by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate his or her activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 4103A will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(4) a description of how the chief executive officer will award funds under section 4103A and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

—Page 416, line 24, strike "the total amount" and insert "an amount equal to 80 percent of the total amount".

—Page 419, line 14, strike "(1)".

—Page 419, strike line 18 and all that follows through line 21.

—Page 422, after line 21, insert the following:

"SEC. 4103A. GOVERNOR'S PROGRAMS.

"(a) USE OF FUNDS.—(1) An amount equal to 20 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) A chief executive officer shall use not less than 10 percent of the 20 percent of the total amount described in paragraph (1) for each fiscal year for drug abuse resistance education programs in accordance with subsection (e).

"(3) A chief executive officer may use no more than five percent of the 20 percent of the total amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(b) ADVISORY PANEL.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a chief executive officer shall establish an advisory panel in accordance with this subsection for the purpose of developing a plan for the use of funds reserved under subsection (a)(1).

"(B) EXCEPTION.—The chief executive officer of a State shall be exempt from the requirement under subparagraph (A) if such State, on or before January 1, 1994, has established an independent agency as described in section 4103(a)(2)(A).

"(2) PLAN.—The advisory panel established under paragraph (1) shall develop a plan under which—

"(A) existing drug and violence prevention programs, projects, and activities in the State (including activities of the State educational agency and local educational agencies and community-based organizations) that are determined by the panel to be successful are continued, or, where appropriate, coordinated with new programs, projects, and activities established and carried out with funds reserved under subsection (a)(1); and

"(B) technical assistance and training is provided to local educational agencies, consortia of such agencies, and partnerships consisting of such agencies and community-based organizations, for drug and violence prevention, community outreach, and mobilization and coordination of alcohol, tobacco, and other drug prevention programming.

"(3) MEETINGS.—The advisory panel shall meet at least once every 2 years after the establishment of the plan described in paragraph (2) for the purpose of reviewing and evaluating the use of funds under this section.

"(4) MEMBERSHIP.—

"(A) IN GENERAL.—The advisory panel shall consist of not less than 9 members, but not more than 12 members, including the chief executive officer of the State (or the designee of such chief executive officer) and at least 1 individual appointed by such chief executive officer from each of the following categories:

"(i) Parents.

"(ii) Students.

"(iii) Chief state school officers (or their designees).

"(iv) School administrators or teachers.

"(v) Substance abuse prevention workers or administrators.

"(vi) Community-based providers.

"(vii) Law enforcement officers or district attorneys.

"(ix) Mayors, city councilpersons, or county commissioners.

"(B) POLITICAL AFFILIATION.—Not more than ½ of the members of the advisory panel may be of the same political party.

"(C) COMPENSATION.—Members of the advisory panel shall serve without pay.

"(5) ADMINISTRATIVE EXPENSES.—The administrative expenses of the advisory panel shall be paid for from the State administrative funds under subsection (a)(2).

"(c) PROGRAMS AUTHORIZED.—(1) A chief executive officer shall use funds reserved under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations. Such grants or contracts shall support programs and activities described in subsection (d) for children and youth who are not normally served by State or local educational agencies, for populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, and dropouts), or both.

"(2) Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(d) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (c) shall be used for programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention,

education, early intervention, counseling, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with those of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) developing and implementing strategies to prevent illegal gang activity;

"(7) coordinating and conducting community-wide violence and safety assessments and surveys; and

"(8) evaluating programs and activities under this section.

"(e) **DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.**—(1) A chief executive officer shall use funds reserved under subsection (a)(2) for grants to local educational agencies in consortium with entities which have experience in assisting school districts to provide instruction to students grades kindergarten through 6 to recognize and resist pressures that influence such students to use controlled substances, as defined in Schedules I and II of section 202 of the Controlled Substances Act the possession or distribution of which is unlawful under such Act, or beverage alcohol, such as Project Drug Abuse Resistance Education, that meet the requirements of paragraph (2).

"(2) A local educational agency in consortium with an entity shall not be eligible for a grant under paragraph (1) unless such local educational agency in consortium with an entity will use assistance provided under such grant to provide or arrange for the provision of services that shall include—

"(A) drug abuse resistance education instruction for students grades kindergarten through 6 that is designed to teach students to recognize and resist pressures to experiment that influence such children to use controlled substances, as defined under paragraph (1), or beverage alcohol, including instruction in the following areas—

"(i) drug use and misuse;

"(ii) understanding the consequences of drug abuse;

"(iii) resistance techniques;

"(iv) assertive response styles;

"(v) managing stress without taking drugs;

"(vi) decisionmaking and risk taking;

"(vii) media influences on drug use;

"(viii) positive alternatives to drug abuse behavior;

"(ix) interpersonal and communication skills;

"(x) self-esteem building activities; and

"(xi) resistance to peer pressure and gang pressure;

"(B) provisions for parental involvement;

"(C) classroom instruction by uniformed law enforcement officials;

"(D) the use of positive student leaders to influence younger students not to use drugs;

"(E) an emphasis on activity-oriented techniques designed to encourage student-generated responses to problem-solving situations; and

"(F) the awarding of a certificate of achievement to each student who participates in a drug abuse resistance education program.

"(3) Amounts received under paragraph (1) by any local educational agency or entity

shall be used only to supplement, not to supplant, the amount of Federal, State, and local funds expended for the support of projects of the type described in paragraph (2).

—Page 427, line 24, strike "under this part; and" and insert "under this part."

—Page 428, strike line 1 and all that follows through line 3.

—Page 431, strike line 18 and all that follows through line 15 on page 433.

—Page 433, line 16, strike "(d)" and insert "(c)".

Mr. BARRETT of Nebraska. Mr. Chairman, this bipartisan amendment is straightforward and simple. It accomplishes five objectives.

First, it incorporates the administration's recommendations, by reserving 20 percent for the Governor's share of a State's drug-free dollars. Under current law, Governor's get 30 percent, subject to an appropriation's cap, of a State's drug-free dollars. The Governor's shares have been vital in providing effective, community-based drug abuse prevention and education.

Second, it would make the Governor's more accountable for this use of funds, by requiring Governors to convene a nonpartisan advisory committee of law enforcement officers, teachers, substance abuse counselors, students, community-based providers, and others to map out a plan for the Governor's use of these funds. This advisory committee would meet every 2 years to review and comment on the Governor's funding uses.

Third, it would strike from H.R. 6 the requirement that schools spend 21 percent of their funds for community-based programs. This is yet another mandate upon schools, and one that shouldn't be made because this is what the Governor's funds have been doing already.

Fourth, it would retain current law with respect to DARE the acronym for Drug Abuse Resistance Education. Currently, Governors must spend 10 percent of their share for DARE. Again, this amendment maintains that successful requirement.

And finally, this bipartisan amendment strikes from H.R. 6 the prohibition on contracting with other State agencies. Our bipartisan amendment will allow State agencies to coordinate their efforts, and deliver a more comprehensive approach to drug abuse education.

Mr. Chairman, the opponents to my amendment claim that H.R. 6 channels more money down to school districts to provide community-based services. But, what they don't tell you is that it mandates schools to provide these services.

Current law asks school districts to perform these types of services, and some school districts have—but some haven't. Schools are already hard pressed, complying with a multitude of other Federal and State mandates—not to mention the litany of new mandates that are being created elsewhere in H.R. 6.

I want to take this opportunity to thank the gentleman from Indiana [Mr. ROEMER] for his help. Mr. Chairman, this amendment is truly a bipartisan effort to help maintain effective statewide and community-based programs that are doing the job today in combating drug and alcohol abuse.

Mr. Chairman, the right approach to take to maintain coordinated, comprehensive, and effective drug abuse prevention programs is to support the Barrett/Roemer amendment. Every Member of this House should have received Dear Colleague letters, explaining what the sum of the Governors' shares have done in many States.

These examples should indicate the time and effort that States have taken to create effective programs—programs that cannot be duplicated at the local level because of the cost, expertise, and time that would be required to maintain these programs.

Some feel that this issue really comes down to whether you like your Governor or not. For me, that is not the case.

Nebraska's Governor is a Democrat, who is up for reelection this year. Now, I do not necessarily agree with Nebraska's Governor on many things, but on this issue we do agree and I like what he's done with the Governor's fund. He has continued effective programs that were created by his predecessor, a Republican, and has instituted new programs that are constructively addressing Nebraska's drug and alcohol abuse problem.

The question should not be about whether one likes the Governor of his or her State. The question is much more fundamental than that. It is a question of whether you want effective programs, that are today combating drug and alcohol abuse, or whether you want to kill these programs.

Now, the opponents will say that if these programs are effective, they will find the money somewhere—from other Federal funds. One just has to ask: What will happen to programs that are being funded by these other programs? They will be reduced.

We will then be debating, here on this floor, reasons why we should be increasing spending, simply because we eliminated current-funded drug-free programs.

Mr. Chairman, the Barrett/Roemer amendment is the only compromise. It is a compromise that parents want, prevention advocates want, and what the Governors want.

AMENDMENT OFFERED BY MR. OWENS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BARRETT OF NEBRASKA

Mr. OWENS. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS as a substitute for the amendment offered by Mr. BARRETT of Nebraska:

In section 101 of the bill, in section 4003 of the Elementary and Secondary Education Act of 1965 (as proposed to be added by such section 101), strike paragraph (2) of such section 4003, and insert the following:

"(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

In section 101 of the bill, in paragraph (1) of section 4004(a) of the Elementary and Secondary Education Act of 1965 (as proposed to be added by such section 101), strike the "and" at the end of such paragraph.

In section 101 of the bill, in paragraph (2) of section 4004(a) of the Elementary and Secondary Education Act of 1965 (as proposed to be added by such section 101), strike the period at the end of such paragraph and insert "and".

In section 101 of the bill, in subsection (a) of section 4004 of the Elementary and Secondary Education Act of 1965 (as proposed to be added by such section 101), add at the end of such subsection the following new paragraph:

"(3) for State grants under part C, \$100,000,000 for fiscal year 1995 and such sums as may be necessary for each of fiscal years 1996 through 1999.

In section 101 of the bill, in paragraph (1) of section 4105(c) of the Elementary and Secondary Education Act of 1965 (as proposed to be added by such section 101), strike "shall expend not less than 21 percent" and insert "may expend not less than 21 percent".

In section 101 of the bill, after part B of title IV of the Elementary and Secondary Education Act of 1965 (as proposed to be added by such section 101), add the following new part (and make appropriate conforming amendments):

"PART C—GRANTS TO STATE GOVERNORS

"SEC. 4203. STATE ALLOTMENTS.

"(a) IN GENERAL.—The Secretary shall allot to the States the amount available for each fiscal year under section 4004(a)(3) on the basis of the following factors:

"(1) $\frac{1}{2}$ of such amount shall be allotted among the States on the basis of the school-aged population of each State as compared to the total school-aged population of all the States.

"(2) $\frac{1}{2}$ of such amount shall be allotted among the States on the basis of the amount each State received under sections 1124 and 1124A of this Act for the preceding year (or, with respect to fiscal year 1995, sections 1005 and 1006 of this Act, as in effect on the day before the date of the enactment of the Improving America's Schools Act of 1994) as compared to the sum total of such amounts received by all the States.

"(b) MINIMUM ALLOTMENT.—For any fiscal year, a State shall be allotted an amount under this section which is equal to at least 1 percent of the total amount allotted to all the States under this section.

"(c) REALLOTMENT.—The Secretary may reallocate any amount of an allotment to a State under this section if the Secretary determines that such State will be unable to use such amount within two years of such allotment. Such reallocation shall be made on the same basis as allotments made under subsection (a).

"(d) STATE DEFINED.—For the purposes of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4204. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive an allotment under section 4203(a) for any fiscal

year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that contains a comprehensive plan for the use of funds under section 4205 by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug abuse and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate activities under section 4205 with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds allotted under section 4203 will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services;

"(4) a description of how the chief executive officer will award funds under section 4205 and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of the special initiatives that will be undertaken with the funds allotted under section 4203 to assist those communities within the State which have the greatest need for drug and violence prevention assistance, as measured by objective factors which include—

"(A) high rates of alcohol or other drug abuse among youth;

"(B) high rates of victimization of youth by violence and crime;

"(C) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(D) the extent of illegal gang activity;

"(E) high rates of referrals of youth to drug and alcohol abuse treatment and rehabilitation programs;

"(F) high rates of referrals of youth to juvenile court;

"(G) high rates of expulsions and suspensions of students from schools; and

"(H) high rates of reported cases of child abuse and domestic violence;

"(6) a description of the special outreach efforts and other activities which will be undertaken to ensure the full participation of community-based organizations located in communities with high rates of poverty, as well as organizations which provide services to African-Americans, Hispanics, and other minorities; and

"(7) a description of how funds will be used to support community-wide comprehensive drug abuse and violence prevention planning.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"SEC. 4205. USE OF FUNDS.

"(a) IN GENERAL.—The amount allotted to a State under section 4203 for each fiscal year shall be used by the chief executive officer of such State for drug abuse and violence prevention programs and activities in accordance with this section.

"(b) STATE ADMINISTRATION.—A chief executive officer may use no more than 4 percent of the amount allotted under section 4203 for a fiscal year for the administrative costs incurred in carrying out the duties of such officer under this section.

"(c) PROGRAMS AUTHORIZED.—A chief executive officer shall use amounts allotted under section 4203 for a fiscal year for grants to, or contracts with, parent groups, commu-

nity action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations to support programs and activities such as—

"(1) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;

"(2) planning and implementing drug and violence prevention activities that coordinate the efforts of community-based agencies with those of the local educational agency;

"(3) activities to protect students traveling to and from school;

"(4) developing and implementing strategies to prevent illegal gang activity;

"(5) coordinating and conducting community-wide violence and safety assessments and surveys;

"(6) programs and activities which address the needs of children and youth who are not normally served by the local educational agency, including preschoolers, dropouts, youth in juvenile detention facilities, and runaways or homeless children and youth;

"(7) disseminating information about drugs and violence prevention;

"(8) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug abuse and violence prevention, education, early intervention, counseling, or rehabilitation referral;

"(9) before- and after-school recreational, instructional, cultural, and artistic programs in supervised community settings; and

"(10) evaluating programs and activities carried out under this section.

Mr. OWENS. Mr. Chairman, this substitute would separately authorize \$100 million for the Governor of each State to support community-based prevention drug and violence prevention activities. I am offering it as a compromise in an effort to try to resolve this contentious issue.

Members need to understand that the Drug-Free Schools and Communities Act is a program in serious trouble. Continuing questions about the effectiveness and accountability of this program have led to dramatic reductions in funding. Last year the Appropriations Committee cut the program by one-third; this year the House Budget Committee has recommended cutting another \$100 million from the program.

To address these concerns, the committee has included significant new accountability requirements for school-based drug and violence prevention programs in the reauthorization. The education community has supported these changes.

This substitute is an effort to establish a comparable measure of accountability for community programs funded under the Governor's share of drug-free schools appropriations.

Under current law and under the Barrett amendment, the Governors receive a setaside off the top of total appropriations for the program. They do

not have to demonstrate that their programs are effective; no matter what, they get their 20 percent.

Some Governors have clearly taken advantage of this free ride. Throughout the reauthorization process, the committee found it exceedingly difficult to obtain any information about how these funds were being expended in the States, much less whether they were being well-spent. The Department of Education did not have the information and several of the States we called were unable to provide us with it either. Millions of Federal dollars—and no one seems to know where it is going.

In recent weeks, we have learned more about how the Governors are using this money and heard about some impressive activities that are being supported. We have also, however, learned about some expenditures—such as the purchase of radar detectors for police departments—that are in clear violation of the statute and the regulations.

This substitute would end the free ride and separately authorize the Governors' program, assuring greater accountability for how these funds are expended.

I urge my colleagues to support this compromise substitute for the sake of the overall safe and Drug-Free Schools and Communities Act Program, we must end the free ride. Strong accountability must be demanded of all recipients of Federal funds.

□ 1500

AMENDMENT OFFERED BY MR. KILDEE TO THE AMENDMENT OFFERED BY MR. OWENS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BARRETT OF NEBRASKA

Mr. KILDEE. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. KILDEE to the amendment offered by Mr. OWENS as a substitute for the amendment offered by Mr. BARRETT of Nebraska: In section 4205 of the Elementary and Secondary Education Act of 1965, as proposed to be inserted by the substitute, add at the end the following new subsection:

"(d) DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.—A chief executive officer shall use not less than 10 percent of the funds allotted under subsection (a) for a fiscal year for grants to local educational agencies in consortium with entities which have experience in assisting school districts to provide instruction to students grades kindergarten through 6 to recognize and resist pressures that influence such students to use controlled substances, as defined in Schedules I and II of section 202 of the Controlled Substances Act the possession or distribution of which is unlawful under such Act, or beverage alcohol, such as Project Drug Abuse Resistance Education."

Mr. KILDEE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Mr. Chairman, my amendment to the substitute offered by the gentleman from New York [Mr. OWENS] is meant to protect a program of special interest to many Members in the House, including this Member. The Drug Abuse Resistance Education Program, commonly called DARE, has proven to be one of the best methods yet devised for preventing drug abuse and drug use among young people. My amendment continues the policy of current law. It sets aside a specific 10 percent of any funds appropriated for the use of Governors for the DARE Program.

DARE does work, Mr. Chairman. The DARE Program brings police officers into classrooms and school settings to work with students in grades K through 6. Those officers become teachers and counselors educating students in the physical, mental, and societal dangers of drug use. Officers teach young people how to recognize drugs and to avoid peer pressure and dangerous situations.

DARE goes beyond just say "no." DARE teaches young people how to say "no" and make it stick. DARE programs create positive relations between law enforcement officials and children in an environment children already find safe and friendly, the school.

DARE has been shown to have positive effects beyond the boundaries of the school and into the neighborhood. I have seen the DARE Program work in my district. The people are very supportive of it. The police officers, the teachers, the parents all say it is a program that really works.

Mr. Chairman, I urge the adoption of the amendment.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. KILDEE] as a substitute for the amendment offered by the gentleman from New York [Mr. OWENS]. It appears to me that this amendment tries to put a new suit on a bad amendment. It tries to dress up the Owens amendment with DARE in an effort to wean support away from the Barrett-Roemer amendment. Why?

The Owens amendment creates a new authorization for Governors to receive funding under the Drug Free Schools and Communities Act. A new authorization. The Governors will have to ask the Appropriations Committee for new funding.

So I ask, Mr. Chairman, what guarantees are there that during the appropriations process, the Governor's funding would come anywhere close to the \$100 million new authorization level. Then, what guarantees are there that current DARE programs would receive adequate funding or any funding at all?

There are none.

I do not have to remind this House of the number of programs that have high authorization levels, but receive little or nothing in appropriations.

The only amendment that guarantees funding for the Governor's share and for DARE is the Barrett-Roemer amendment.

The Barrett-Roemer amendment maintains current law with respect to DARE funding. Under current law, DARE must receive 10 percent of the total amount the Governor receives under the Drug Free Schools and Communities Act. The Barrett-Roemer amendment, by maintaining current law is the only amendment that would guarantee that the Governors' share receive adequate funding, which guarantees that DARE receives adequate funding.

H.R. 6 authorizes \$630 million for the drug-free schools State grant program. And, on top of that, if the Owens amendment is accepted, Governors would be authorized to receive \$100 million.

So, under the Kildee amendment, to match the new authorization levels with current programs, Congress will have to appropriate full funding for both, the State share and the Governor's share. Congress would have to appropriate \$361 million in new spending just to get what the Governor's fund and DARE receive today. A \$361 million increase.

Is it realistic, in just 1 year, in order to maintain current programs, for Congress to appropriate another \$361 million? I have a lot of faith in the ability of the Appropriations Committee to spend money, but even that committee has come face to face with budget realities. I don't think we can afford such an increase when we look at a number of other important programs.

And sadly, it will not be the Governor's who will suffer, or DARE, but the kids and communities that will become the tragic victims of the political sniping that's going on here today.

The Barrett-Roemer amendment does not ask for one new dime in spending. But, it would guarantee that the Governor's share and DARE continue to receive adequate funding to continue successful programs.

If you want to continue DARE, then vote against this amendment. If you want to continue DARE, and successful community-based programs, then vote "yes" on Barrett-Roemer.

I urge my colleagues to vote against this ill-fitting amendment.

□ 1510

Mr. ROEMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in opposition to the Owens-Kildee amendment to the Drug-Free Schools and Communities Act and in support of the Barrett-Roemer amendment. While I appreciate

the interest of both gentlemen in putting together good legislation and their concern for the DARE Program, I believe that if we continue along the lines of their perfecting amendments, the outcome will mean that we do not ensure that these programs will continue.

As many of my colleagues may know, under the current Drug-Free Schools and Communities Act, Governors are allowed to set aside 30 percent of the State allocation for statewide programs, including the DARE Program, the Drug Abuse Resistance Education Program. Unfortunately, H.R. 6, as reported by the committee, eliminates all funding for the Governors' programs. While in many instances I can understand the position that we should fund as much money as possible to the local level, I must disagree with this particular approach.

From the degree of efficiency, the Barrett-Roemer amendment would provide a much more efficient means to get the money directly to the programs for DARE and to fight drug abuse.

Let me give the Members a specific example. In Indiana, Governor Bayh has established the Governors' Commission for a Drug-Free Indiana which has 10 regional offices that help coordinate local efforts. This provides extensive coordination and collaboration efforts with local schools and with local community based efforts. H.R. 6 would eliminate this program and redistribute the Governors' money, which amounts to approximately \$1 million by formula to 290 school districts. Each school district in Indiana would receive an additional \$3,000 but would have to accomplish the task that the Governors' program traditionally met such as establishing cooperative agreements with community based organizations.

Second, there is flexibility, Mr. Chairman. In essence, this places more mandates on local agencies with little resources to meet these new demands. I have heard from many of my local school districts in Indiana, and they have said to me that they do not want the additional funding if it comes at the expense of the Governor's programs. They think Governor Bayh is doing a great job and he should keep this program going.

Last, there is accountability, Mr. Chairman. The Barrett-Roemer amendment instills more accountability into the Governors' programs by requiring Governors to establish a long-term plan for the initiatives. This plan would be subject to a peer review process at the State level.

Let me repeat this. Accountability, flexibility, and efficiency are all reasons by which we stood defeat the Kildee and Owens amendments and support the vote for the Barrett-Roemer proposal.

Finally, let me just respond to what the Owens-Kildee amendment would

do. What that would do would be eventually to create a separate and duplicative program to fund the Governors' drug prevention initiatives. It is important to note that this program, with the proposed authorization at \$100 million, is not provided for in the President's fiscal year 1995 budget request. The Department of Education furthermore has indicated that it does not intend to modify its budget to accommodate this new program. Therefore, it is unlikely that the funds will be made available for the Governors' programs even if the Owens-Kildee amendment is adopted. The Owens-Kildee amendment would ensure that local drug prevention programs like DARE currently supported by the Governors would eventually be eliminated.

Mr. Chairman, I urge my colleagues to support our amendment and to defeat the perfecting amendments.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it strikes me as very odd that for the first time since we passed the original alcohol and drug abuse education programs in the 1970's, we have Members on the floor who are normally beating their chests to prove how antidrug they are, now arguing for a position that cuts the resources to the drug programs, no matter what they call them or who controls the money.

The effect of the Barrett amendment taken in the context of the appropriations history of this legislation is to reduce. And the gentleman has, as a matter of fact, said he did not think we needed to spend more money on drug education and drug use prevention. Actually, the committee does not agree with that, and the subcommittee of the gentleman from New York [Mr. OWENS] which wrote this part of the legislation is now attempting to increase the total amount of the resources put into fighting drugs by setting up a \$100 million pot of money that the Governors can use. And we do not even have in that amendment the restrictions that the Barrett amendment has in it on how the Governors spend it. But we feel that it is safe to let them do that because the Appropriations Committee each year will look at how the Governors are spending it. If they are buying radar detectors, I guess that will affect the amount of the appropriation. If they are running programs that will affect it, too.

The effect of the Owens amendment to the Barrett amendment is literally to add more than \$20 million to the pot that the Governors now get. Now, after the committee acted on this, there was an awful lot of misleading information spread across the country, and many of us have heard that the DARE programs were endangered. Well, the gentleman from Indiana just told us that if we give the money to the Governors, they

will continue to take care of DARE, but we have to trust that that is what they are going to do with it. Under the Kildee amendment, they do not have any choice. There will be a percentage set aside out of the money that goes to them that has to be sent to the DARE programs. He has guaranteed that the DARE programs would get the same kind of treatment that the Governors have been providing out of the drug program.

There is a very simple set of questions we have to ask ourselves on these votes. The first vote is going to occur on the amendment offered by the gentleman from Michigan [Mr. KILDEE] to guarantee a set-aside of money for the DARE Program. So we can either be for or against DARE, and it will be a clean-cut vote.

As to the sponsors of the Barrett amendment, the words, "dog in the manger," come to my mind, because they are suggesting that because they have the right way and the only way to do this, they do not want to have a guarantee for DARE to have a set-aside, and they do not want to take a chance that, in any way at all, this will enhance the possibility of getting the additional \$100 million for the Governors and thereby increase the cost of this program.

The second thing we have to consider is this: That the Owens amendment, consistent with all of the other formulas in this legislation, drives the money, the bulk of the money, directly to the local school district and then relies on the local school district to make its own decision on what kind of a drug program is appropriate to that particular place. I submit that very few of us are willing to admit that the drug problems that our schools are dealing with in any way typify what goes on in other parts of the country. There are drugs in use on the west coast that Michigan has not discovered yet, and when they discover them, they will start dealing with them. But we do not need a one-size-fits-all kind of a drug program that centralizes control. We ought to trust local people.

We have been listening to Members since this bill came to the floor. They have said, "Don't put these mandates on local school boards. Let them make the decisions." That is what we are asking the Members to do here. Let us not cut off the money at the State capital level. Let us send it through the local school district and let them, without intervention, have their share of the money and spend it on what they believe to be the most appropriate drug education program for their individual school district.

□ 1520

Finally, Mr. Chairman, if you want to support the DARE program, if you want to increase our efforts in fighting drugs with young people, and if you

want to support the idea that people closest to the kids in their own community know best what their kids are subjected to as risks and are best able to deal with it, then you should support first the Kildee amendment, and then after adopting that, vote for the Owens amendment, and then after adopting that, vote for the Barrett amendment.

The Owens amendment would be offered as an alternative to Mr. BARRETT's amendment. It would authorize a Governor's program under DFSCA, but as a separate authorization of \$100 million. It contains few limits on the Governors' program and no set-aside for DARE.

The amendment authorizes \$100 million for the Governors to use for programs essentially the same as in current law; there is no set-aside for DARE; and it leaves more Governor's discretion, since does not require a Policy Board;

The amendment maintains the idea that education funds should be controlled by LEA's, and that the needs to be addressed and programs to be carried out should be established locally;

The amendment maintains the ability of the Governors to get involved in this area, but will require them to do some work to get the money from the Appropriations Committees;

The amendment creates a clearly defined separate program, which will be easier to monitor and oversee and less subject to abuse;

The amendment increases the overall amount of money for the program.

The Barrett amendment restores the Governors' money. Essentially reinserts the administration's original proposal, cutting the Governors' percentage from 30 percent to 20 percent and establishing a Governors' appointed board to help set policy and review programs. The amendment maintains a set-aside for drug abuse resistance education [DARE].

This program has suffered declining appropriations—last year the basic grants were cut about \$130 million, from \$500 million to \$370 million, yet, we have added more programs for the schools to carry out—violence and crime prevention;

We must concentrate these education funds—the only education funds for these purposes we authorize—in the schools and under local control, and we should not fund law enforcement or interdiction programs with education funds;

The political compromise of 1988 which gave the Governors' a share is no longer viable, given the appropriations cuts and increased responsibilities;

There have been complaints in the past that these funds have not supported education activities. Also, school districts have complained that activities funded have been dictated from the top down, and have not put the scarce resources where the local folks thought they were needed. Also, there have been instances where the programs funded have been ideologically or politically driven;

The Governor-controlled board does not mean that these funds will support educational activities or locally determined needs;

The Governors have never testified for appropriations for this program; they have taken a free ride from education advocates;

There are other sources the Governors could use for these programs, such as community service block grants or Justice Department funds; and

The committee language may mean more DARE programs, established through local efforts and cooperation. The set-aside has essentially become a ceiling.

The Kildee amendment to Mr. OWENS amendment would reinstate a 10-percent set-aside of funds appropriated under the new authorization for the Drug Abuse Resistance Education Program [DARE]. The DARE Program is a very popular program involving police officers visiting schools to warn and educate children about drug and alcohol abuse.

The amendment would protect this very popular program, which teaches children not only about the physical dangers of drug and alcohol abuse but about the legal consequences;

This is the program under the Governor's discretionary funding which has received the most support from communities and schools, and we want to continue it;

This is the program most Members have had brought to their attention when they have been asked to support Mr. BARRETT's proposal to reinstate a set-aside for the Governor's share. This amendment protects this program without going so far as to reinstate noneducational Governor's activities.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the comments of the chairman of the Committee on Education and Labor, and I tend to agree with him on certain things he said. One of the things is we tend to spend a lot of money on drugs. I would hope that all of us are aware that we probably spend much more money on drugs than we need to in terms of the efficiency and return that we get for our dollars with respect to drug programs.

In my time as Governor of the State of Delaware, I saw the program which is supported in the Barrett-Roehmer amendment to restore 20 percent of the Governor's funds in a State. I saw it work as effectively as any drug program that has ever been devised out there, what is a very difficult program. I hope we can demonstrate that today.

We have recently heard that illicit drug use is on the rise. We all know that a student could walk into virtually any school in the country and purchase drugs if he or she so chooses. The problem is severe and its effects are widespread.

I know and have seen the effectiveness of community-based programs in combating the prevalence of substance abuse. For example, in Delaware, the Office of Prevention in the Department of Services for children, youth, and their families is charged with receiving and planning the \$450,000 in Federal funds for community-based prevention in our State.

These funds have supported many innovative and successful programs such

as the Wilmington Cluster Against Substance Abuse, Village Criers, the Delaware Prevention Forum, Families and Schools Together, to name a few. These funds have also resulted in computer tutorials, and an information and referral hotline in our State. In short, without the drug-free and community schools funding, these programs will be forced to shut down.

By removing the funds from the States and sending them directly to the schools, we are sacrificing programming that is critical to preventing violence, alcohol, and other drug abuse, and a host of other societal ills. For example, the Office of Prevention in the State of Delaware reports that by breaking up the funding into much smaller portions, the ability to plan and coordinate services in the State is destroyed.

Furthermore, State and community-wide prevention efforts will become virtually impossible to achieve because the funds appropriated to each school will be few and the administrative time and specialized expertise in working with and supporting community-based organizations is often times not available. Schools are challenged every day with the difficult task of educating our children. They certainly should devote energies to other afflictions a student may have, but schools were not designed, are not equipped, and cannot transform into 100 percent effective treatment centers.

The original amendment that passed in committee to strike the Governors' funds was crafted under the false premise that the particular State agencies that establish the community programs were acting independently of our schools. In the State of Delaware, and other States around that Nation, this is not the case. We work directly with our schools to ensure that their needs are being met.

Mr. Chairman, if Congress is indeed committed to fighting the war on drugs, prevention must remain a priority. Now is not the time to shoot ourselves in the foot by striking a provision and a program that has fostered positive, widespread results. It is simply too big a sacrifice. I urge my colleagues to support the Barrett-Roehmer amendment.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. PICKETT) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The Committee resumed its sitting.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words in support of the Barrett-Roehmer amendment.

Mr. Chairman, I think we are dealing with perception and reality. The teachers in my district and State have told me that the best use of the resources rests with the Governors. That is why the Governors support it. Again, it does not matter if it is a Republican Governor or a Democratic Governor.

What I would like to get across is that the schools are not able to handle the additional responsibility. I know the schools in my district and other districts in the State of California. They are just surviving, with the staff they have, to manage education programs. To put this down at the local level would be disastrous, I think, in the State of California, and Governor Wilson is doing a good job.

Mr. Chairman, each State has got a check-and-balance system. It not only has a Governor, but it has a State senate and a State assembly. In California that is Willie Brown, a Democrat, as is the Senate and the House in the assembly. We have a Republican Governor, Pete Wilson; they work together and support antidrug programs.

Yet in the State of California, the DARE function operates, and it operates very well. The term is, "If it ain't broke, don't fix it." The programs are not broke in the State of California. The schools are not able to handle the additional weight. And I would ask that we support the Barrett-Roehmer amendment.

Mr. Chairman, we are going to be looking at a crime bill pretty quick, and we want the most efficient means to handle that. Our prisons; 80 percent of them are dropouts. Ninety percent of them are drug abusers. I think no one, the gentleman from New York [Mr. OWENS] or the gentleman from Michigan [Mr. KILDEE] or even on the amendment I am supporting, would suggest that we do not need to combat the effects of drug abuse.

I am looking at what is the most efficient way to do that. I know in the State of California, the program that we have as it exists with the use and direction of the Governor and the assembly in the State is working very well. I would ask that my colleagues support the Roehmer-Barrett amendment to make the most efficient use of those dollars.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to offer my support for Mr. BARRETT's amendment to the Drug Free Schools and Community Act. This amendment addresses two areas that are of great concern to my district and the State of Michigan.

First, this amendment would reinstate the Governor's discretionary fund

at a level of 20 percent, a fund which the Owens proposal eliminates. In my State of Michigan, this fund is currently used to run programs for children in the most needy communities through a competitive process. The Owens proposal would disburse these funds among over 500 school districts, rich and poor alike, and spread resources too thinly to continue current grant services.

I have heard an outcry from both the educational community and parents who are upset about the loss of the programs operated by the Governor's fund. One such program is the Drug Abuse Resistance Education, or DARE program. My daughter participated in the program last year. The Governor's fund has, among other projects, supported the State DARE training school and administrative offices. Without this fund, local districts will not have the resources to set up their own training schools and the program will almost certainly end.

I am also opposed to the provision in the Owens substitute which bans interagency agreements at the State level. In Michigan, the elected State board of education and elected Governor agreed to coordinate fund administration between the Governor's office and the State education agency. This agreement can be canceled at will. Since this agreement took effect, however, the number of local schools directly receiving funds from the State has nearly quadrupled and there has been a 20-percent reduction in regional overhead as well as a 50-percent increase in direct services to youth.

Even if Michigan's agreement was not working well, I do not understand why the Federal Government believes they have the right to tell the States how they should operate. This is just another example of Washington believing that they know best and stepping in where they are not wanted and where they do not belong.

I therefore offer my full support for Mr. BARRETT's amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to rise in support of the Kildee and Owens amendments. We have had considerable debate about the efficacy of the use of funds under the Governors' set-aside, and we also have been lobbied very strenuously by Members who want to defend the DARE Program and enumerate the successes that that program has enjoyed.

I think the chairman of the subcommittee has quite rightly recognized the support that the DARE Program has in the Chamber and has agreed to set aside funds especially for the DARE Program, without specifically allocating a certain percentage of the funds in this program for the Governors' particular uses at their discretion.

We are attempting here to save a program that has been defended by Members of this body by setting aside a certain percentage for the DARE Program. The Owens amendment, I believe, is especially worthy because what it recognizes is that we need additional moneys in this program. So his effort is to add \$100 million.

This fight is not about Governors or whether they are able or capable of administering a program at the local level. This argument is over the lack of sufficient funds for a program that we feel is vitally needed in the schools. If this was a situation where we had adequate funds, sure, set aside moneys for the Governors to decide how they wanted to spend the money. But in a time of austere fiscal restraints on the kinds of moneys that we are being allocated, I think the Owens substitute hits it right on the head.

I am a member of the House Committee on the Budget, and in our deliberations we are making a recommendation that \$100 million be cut away from this program, because somehow, in deciding how much actually was being spent by the President's budget, it overspent by \$3 billion. It was necessary for the Committee on the Budget to come in with recommended cuts.

One of the recommended cuts is \$100 million in this drug program. And so in recognizing the fact that we have here a very legitimate program that needs to be saved for the schools of this country, the gentleman from New York [Mr. OWENS] has added \$100 million in order to have a separate program which the Governors can have a discretion on what to do with.

So I think that we are all really talking about the same thing, but confined in this situation of not having additional moneys.

I would like to say to the Members on the other side that so often we make the debate about local control. Let us have the local people make these decisions as to how the moneys are to be spent. That is what the whole school reform is all about. That is what school-based management is all about, bringing the decisionmaking down to the schools, because these are the people with the teachers and the administrators and the parents who know best what the problems are at the school level. So if we carve away at the top for the Governors' funds that are already short for the schools, we are only shortchanging the people at the local level who really need the money.

I urge this House to vote for the Kildee amendment, because it recognizes the validity of the DARE Program, and also vote for the Owens substitute because it allocates an additional \$100 million, leaves the funding alone for the schools for their drug program and for the violence program.

I want to also say, before I conclude, that what the committee did was to

add another element to this program. That is school violence. How many of us have heard about the problems in our schools with reference to guns and the violence that we see, where students ought to be able to go to school feeling that confidence that they have a safe environment. Many of them do not. So for the first time the committee is adding funds to try to help the schools deal with this situation, and we have the same pot of money that we have to deal with.

Let us try to understand that first we want the local schools to make the decision. Second, we want to have an amount of money safe there for the violence and the drug problems in the school district, separate out the DARE Program, since it is so popular among the Members of this body, and allocate a separate \$100 million for the purpose of this.

Mr. GOODLING. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just want to compliment the gentlewoman for saying that they know best at the local level, because I was becoming disillusioned here during this debate. I was thinking that maybe the only people that knew anything were in Washington, DC.

Mrs. MINK of Hawaii. Mr. Chairman, no. No, I am a strong defender of local control.

Mr. REED. Mr. Chairman, I move to strike the requisite number of words.

I join the gentlewoman from Hawaii and my colleagues who are in support of the Kildee-Owens approach and in opposition to the Barrett-Roemer approach.

Basically, what we are attempting to do is trying to focus and target the dollars to the place that will make the most difference. In these programs, that is actually in the schools. And we have, I think, over the last few years come to the conclusion that some of the programs under the State level have more to do with expanding the prerogative and the visibility of the chief executive of the State rather than reaching into the schools and trying to allow young people to understand the dangers of drugs and the necessity, overwhelming necessity at this juncture in our society to say no to drugs and to say yes to education.

That is what is at the core of this debate, an attempt to target the dollars to make sure that they are spent well and wisely at the local level.

We have heard a lot of discussion over the last few days about getting the dollars, getting the resources down to that local level. I believe the approach that has been proposed and adopted by the gentleman from New York [Mr. OWENS] and the gentleman from Michigan [Mr. KILDEE] will do just that. It will make sure that these

dollars, these very scarce dollars are there for children in the classroom to deal with perhaps the most serious social problem we face today, and that is a climate in which drugs flourish all too much and education, consequently, suffers dramatically and, in some cases, fatally.

I would urge my colleagues to support the approach of the gentleman from Michigan [Mr. KILDEE] and the gentleman from New York [Mr. OWENS]. In doing so, I think we can be much more confident that our dollars will be spent well and wisely.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KILDEE] to the amendment offered by the gentleman from New York [Mr. OWENS] as a substitute for the amendment offered by the gentleman from Nebraska [Mr. BARRETT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KILDEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will announce that pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any recorded vote that may be ordered on the other pending amendments without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 13, as follows:

[Roll No. 45]

AYES—425

Abercrombie	Brown (CA)	de Lugo (VI)	Leach	Ramstad
Ackerman	Brown (FL)	Deal	Lehman	Rangel
Allard	Brown (OH)	DeFazio	Levin	Ravenel
Andrews (ME)	Bryant	DeLauro	Levy	Reed
Andrews (NJ)	Bunning	DeLay	Lewis (CA)	Regula
Applegate	Burton	Dellums	Lewis (FL)	Richardson
Archer	Buyer	Derrick	Lewis (GA)	Ridge
Armey	Byrne	Deutsch	Lightfoot	Roberts
Bacchus (FL)	Callahan	Diaz-Balart	Linder	Roemer
Bacchus (AL)	Calvert	Dickey	Lipinski	Rogers
Baessler	Camp	Dicks	Livingston	Rohrabacher
Baker (CA)	Canady	Dingell	Lloyd	Romero-Barcelo
Baker (LA)	Cantwell	Dixon	Long	(PR)
Ballenger	Cardin	Dooley	Lowey	Ros-Lehtinen
Barca	Carr	Doolittle	Machtley	Rose
Barlow	Castle	Dornan	Maloney	Rostenkowski
Barrett (NE)	Chapman	Dreier	Mann	Roth
Barrett (WI)	Clay	Duncan	Manton	Roukema
Bartlett	Clayton	Dunn	Manzullo	Rowland
Bartlett	Clement	Durbin	Margolies-	Roybal-Allard
Barton	Clinger	Edwards (TX)	Mezvinsky	Royce
Bateman	Clyburn	Ehlers	Markey	Rush
Becerra	Coble	Emerson	Martinez	Sabo
Beilenson	Coleman	Engel	Matsui	Sanders
Bentley	Collins (GA)	English	Mazzoli	Sangmeister
Bereuter	Collins (IL)	Eshoo	McCandless	Santorum
Berman	Collins (MI)	Evans	McCloskey	Sarpanis
Bevill	Combest	Everett	McCollum	Sawyer
Bilbray	Condit	Ewing	McCrery	Saxton
Bilirakis	Conyers	Faleomavaega	McCurdy	Schaefer
Bishop	Cooper	(AS)	McDade	Schenk
Blackwell	Coppersmith	Farr	McDermott	Schiff
Bliley	Costello	Fawell	McHale	Schroeder
Blute	Cox	Fazio	McHugh	Schumer
Boehlert	Coyne	Fields (LA)	McInnis	Scott
Boehner	Cramer	Fields (TX)	McKeon	Sensenbrenner
Bonilla	Crapo	Filner	McKinney	Serrano
Bonior	Cunningham	Fingerhut	McMillan	Sharp
Boucher	Danner	Fish	McNulty	Shaw
Brewster	Darden	Flake	Meehan	Shays
Browder	de la Garza	Foglietta	Meek	Shepherd
			Merendez	Shuster
			Meyers	Sisisky
			Mfume	Skaggs
			Mica	Skeen
			Michel	Skelton
			Miller (CA)	Slattery
			Miller (FL)	Slaughter
			Mineta	Smith (IA)
			Minge	Smith (MI)
			Mink	Smith (NJ)
			Moakley	Smith (OR)
			Mollinari	Smith (TX)
			Mollohan	Snowe
			Montgomery	Solomon
			Moorhead	Spence
			Moran	Spratt
			Morella	Stark
			Murphy	Stearns
			Murtha	Stenholm
			Myers	Stokes
			Nadler	Strickland
			Neal (MA)	Studds
			Neal (NC)	Stump
			Norton (DC)	Stupak
			Nussle	Swett
			Oberstar	Swift
			Obey	Synar
			Oliver	Talent
			Ortiz	Tanner
			Orton	Tauzin
			Owens	Taylor (MS)
			Oxley	Taylor (NC)
			Packard	Tejeda
			Pallone	Thomas (CA)
			Parker	Thomas (WY)
			Pastor	Thompson
			Paxon	Thornton
			Payne (NJ)	Thurman
			Payne (VA)	Torkildsen
			Pelosi	Torres
			Penny	Torricelli
			Peterson (FL)	Towns
			Peterson (MN)	Traficant
			Petri	Tucker
			Pickett	Underwood (GU)
			Pickle	Unsoeld
			Pombo	Upton
			Pomeroy	Valentine
			Porter	Velazquez
			Poshard	Vento
			Price (NC)	Visclosky
			Pryce (OH)	Volkmer
			Quillen	Vucanovich
			Quinn	Walker
			Rahall	Walsh

Waters
Watt
Waxman
Weldon
Wheat
Williams

Wilson
Wise
Wolf
Woolsey
Wyden
Wynn

Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—0
NOT VOTING—13

Andrews (TX)
Borski
Brooks
Crane
Edwards (CA)

Gallo
Hastings
Natcher
Portman
Reynolds

Sundquist
Washington
Whitten

□ 1600

Mr. DE LUGO changed his vote from "present" to "aye."

So the amendment to the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. BARRETT of Nebraska. Mr. Chairman, I move to strike the last word.

I rise in opposition to the Owens amendment.

PARLIAMENTARY INQUIRY

Mr. FORD of Michigan. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FORD of Michigan. Mr. Chairman, the Chair announced that we would proceed through a series of three votes with the second and third ones if a rollcall was demanded being 5-minute votes with no intervening debate or business.

The CHAIRMAN. The Chair reserved the option of 5-minute votes if there was no intervening business or debate. However, the gentleman sought recognition on the pending amendment. That means that the next vote, the next rollcall vote, would have to be a 15-minute vote.

The gentleman from Nebraska [Mr. BARRETT] is recognized.

Mr. BARRETT of Nebraska. Mr. Chairman, what the amendment really does, Mr. Chairman, and I have not had an opportunity to speak; I have spoken earlier, but I have not had an opportunity speak directly to the Owens-Ford amendment, and I simply want to briefly say that what the amendment really does is to try and politicize drug-free efforts.

It would require Governors to come before the Committee on Appropriations, the appropriators, every year to plead their case.

And what would be the results of the pleading? I think we have a pretty good idea, because appropriators are still faced with limited budget. They could be forced to take funds away from public school districts to fund the Governors' share. Then this House is going to be getting letters and phone calls from school superintendents and other providers when their funding is cut.

Second, Mr. Chairman, the Nation's drug abuse prevention efforts require a coordinated approach. I fear that under this amendment there is going to be a

disjointed, helter-skelter attempt to curb drug and alcohol abuse. Everyone is going to be scrambling to get their piece of the pie.

The amendment that was offered earlier by the gentleman from Indiana and myself contains a coordinated approach needed to create effective programs. This is being promoted as a compromise, and it is coming from Members who just a few weeks ago sent around a Dear Colleague letter asking Members to oppose the original Barrett-Roemer amendment, because it keeps money in the hands of State bureaucrats.

During the early subcommittee hearings on this bill, I offered a straight 20-percent Governors' share amendment, a proposal that the administration has recommended. I withdrew the amendment after the chairman had asked me to withdraw it, so we could work together and come up with an acceptable answer, and taking his commitment at face value, I did just that. I then offered a compromise which was not looked at, never addressed, and so we now find ourselves in the position that we are at this particular moment.

It is now the 11th hour, and the opponents to the original amendment fear that perhaps the bipartisan amendment may win, and we now have a Christmas-tree amendment, and I tell the Members of the House that this is not Christmastime.

Mr. Chairman, I would conclude my suggesting that the National Governors' Association is in opposition to the Owens amendment, as is the Department of Education, and I would urge a "no" vote on the Owens amendment.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Nebraska. I am happy to yield to the gentleman from Indiana.

Mr. ROEMER. I would just like to clarify the parliamentary situation. If you are for making sure that the DARE funding stays intact, if you are for making sure that the Governors maintain their discretion over spending these moneys and keep their programs intact, if you are for less mandates and the discretionary spending of the Governor and for a peer review panel set up by the Governor, vote "no" on the next vote on Kildee, and "yes" on the bipartisan Roemer-Barrett amendment.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not know of anyone in this House who has greater support for DARE than I do. I have seen the program all over this country. I have traveled to the State of Washington; I have seen it in my own State; I have seen it on the east coast. I have been a strong supporter of DARE.

I would not do anything to jeopardize DARE. The Owens amendment will

guarantee better than any other amendment the appropriations for DARE. I have consulted with the chairman of the Appropriations Subcommittee, who has assured me that he will follow the authorizing language in distributing the money for the schools that would be giving the Governors their share as we would do under the Owens amendment, and then the 10-percent setaside for DARE under my amendment. We have the assurance of the chairman of that appropriations committee.

I support DARE, always have. I think this is the safest way to protect DARE.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I am happy to yield to the gentleman from New York.

□ 1610

Mr. OWENS. Mr. Chairman, under this amendment, not only are the DARE funds guaranteed but the Governors' fundings are safeguarded by the fact that they will stand alone in a manner which will allow them to deal with the Appropriations Committee's criticism. This program has been criticized for not being accountable.

Mr. Chairman, as the head of the subcommittee with jurisdiction, we were able to get accountability from all components of the program except the Governors' programs. They were not operating in a way which would allow us to get the kind of accountability. Now they will be required to be operated in such a way which would guarantee to the Appropriations Committee and everybody else that this is not a pork barrel for Governors. It is not pork. It deserves to be under the same kind of scrutiny. This guarantees that they have to meet those requirements and enhances the possibility of their getting the necessary appropriations. The DARE money comes off the top, but the \$90 million also is in better shape as a result of this amendment.

Mr. BARRETT of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Nebraska.

Mr. BARRETT of Nebraska. I thank the gentleman for yielding.

Mr. Chairman, let me just comment to the gentleman from New York, my good friend: There are no guarantees under this amendment for DARE. As a matter of fact, this is an additional \$100 million to be appropriated in addition to the \$361 million. There is no guarantee of their funds.

Mr. LEVIN. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Michigan.

Mr. LEVIN. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman this question: I rise as someone who has seen the DARE programs in operation, and I believe they

are effective. As I understand it, in addition to this earmark in the present language, there is a set-aside for community programs regarding drug abuse from the local education authorities and there is a specific reference, I think, to priority being given to programs of demonstrated effectiveness and those which have recently or previously received assistance under the DARE program. Is that correct?

Mr. KILDEE. The program the gentleman is referring to, there is no priority established—

Mr. LEVIN. I want to be sure because there has been some amendment to this. Precisely, if there is not an exact set-aside, whether a priority is listed in the act for community programs with specific reference to DARE programs? We deserve a straight "yes" or "no" answer to that.

Mr. KILDEE. There is a priority in those community programs.

Mr. LEVIN. And a specific reference to DARE programs as one of those that has shown, demonstrated effectiveness in the past?

Mr. KILDEE. The gentleman is correct.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from New York [Mr. OWENS] as a substitute for the amendment offered by the gentleman from Nebraska [Mr. BARRETT].

The question was taken, and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KILDEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any recorded vote, if ordered, on the pending amendment, without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 125, noes 296, not voting 17, as follows:

[Roll No. 46]

AYES—125

Abercrombie	Dellums	Gutierrez
Ackerman	Derrick	Hamburg
Andrews (ME)	Deutsch	Hilliard
Baessler	Diaz-Balart	Jefferson
Barcia	Dicks	Johnson, E. B.
Barlow	Dingell	Johnston
Becerra	Dixon	Kennelly
Beilenson	Durbin	Kildee
Berman	Engel	Lantos
Bishop	Eshoo	Lewis (GA)
Blackwell	Evans	Lowey
Bonior	Faleomavaega	Mann
Brown (OH)	(AS)	Manton
Byrne	Fields (LA)	Markey
Carr	Flner	Martinez
Clay	Flake	McDermott
Clyburn	Foglietta	McKinney
Coleman	Ford (MI)	Meehan
Collins (IL)	Ford (TN)	Meek
Collins (MI)	Frank (MA)	Menendez
Conyers	Gedjenson	Mfume
Costello	Gephardt	Miller (CA)
Coyne	Gibbons	Mineta
Danner	Gonzalez	Mink
de Lugo (VI)	Green	Moakley

Mollinari	Ros-Lehtinen	Swift
Mollohan	Rose	Synar
Moran	Roybal-Allard	Thompson
Murphy	Rush	Torres
Norton (DC)	Sabo	Towns
Oberstar	Sanders	Tucker
Obey	Sangmeister	Underwood (GU)
Oliver	Sawyer	Velaquez
Owens	Schroeder	Vento
Payne (NJ)	Schumer	Waters
Pelosi	Scott	Watt
Pickett	Serrano	Waxman
Pickle	Smith (IA)	Wheat
Poshard	Stark	Wise
Rahall	Stokes	Woolsey
Rangel	Strickland	Wynn
Reed	Studds	Yates

NOES—296

Allard	Fazio	Lambert
Andrews (NJ)	Fields (TX)	Lancaster
Applegate	Fingerhut	LaRocco
Archer	Fish	Laughlin
Armey	Fowler	Lazio
Bacchus (FL)	Franks (CT)	Leach
Bachus (AL)	Franks (NJ)	Lehman
Baker (CA)	Frost	Levin
Baker (LA)	Furse	Levy
Ballenger	Gallegly	Lewis (CA)
Barca	Gekas	Lewis (FL)
Barrett (NE)	Geren	Lightfoot
Barrett (WI)	Gilchrest	Linder
Bartlett	Gillmor	Lipinski
Barton	Gilman	Livingston
Bateman	Gingrich	Lloyd
Bentley	Glickman	Long
Bereuter	Goodlatte	Machtley
Bevill	Goodling	Maloney
Bilbray	Gordon	Manzullo
Bilirakis	Goss	Margolies-
Bliley	Grams	Mezvinsky
Blute	Grandy	Mazzoli
Boehlert	Greenwood	McCandless
Boehner	Gunderson	McCloskey
Bonilla	Hall (OH)	McCollum
Boucher	Hall (TX)	McCrery
Brewster	Hamilton	McCurdy
Browder	Hancock	McDade
Brown (FL)	Hansen	McHale
Bryant	Harman	McHugh
Bunning	Hastert	McInnis
Burton	Hayes	McKeon
Buyer	Hefley	McMillan
Callahan	Hefner	McNulty
Calvert	Herger	Meyers
Camp	Hinchey	Mica
Canady	Hoagland	Michel
Cantwell	Hobson	Miller (FL)
Cardin	Hochbrueckner	Minge
Castle	Hoekstra	Montgomery
Chapman	Hoke	Moorhead
Clayton	Holden	Morella
Clement	Horn	Murtha
Clinger	Houghton	Myers
Coble	Hoyer	Nadler
Collins (GA)	Huffington	Neal (MA)
Combest	Hughes	Neal (NC)
Condit	Hunter	Nussle
Cooper	Hutchinson	Ortiz
Coppersmith	Hutto	Orton
Cox	Hyde	Oxley
Cramer	Inglis	Packard
Crapo	Inhofe	Pallone
Cunningham	Inslee	Parker
Darden	Jacobs	Pastor
de la Garza	Johnson (CT)	Paxon
Deal	Johnson (GA)	Payne (VA)
DeFazio	Johnson (SD)	Penny
DeLauro	Johnson, Sam	Peterson (FL)
DeLay	Kanjorski	Peterson (MN)
Dickey	Kaptur	Petri
Dooley	Kasich	Pombo
Doolittle	Kim	Pomeroy
Dornan	King	Porter
Dreier	Kingston	Price (NC)
Duncan	Kleczka	Pryce (OH)
Dunn	Klein	Quillen
Edwards (TX)	Klink	Quinn
Ehlers	Klug	Ramstad
Emerson	Knollenberg	Ravenel
English	Kolbe	Regula
Everett	Kopetski	Richardson
Ewing	Kreidler	Ridge
Farr	Kyl	Roberts
Fawell	LaFalce	Roemer

Rogers	Slattery	Thornton
Rohrabacher	Slaughter	Thurman
Rostenkowski	Smith (MI)	Torkildsen
Roth	Smith (NJ)	Torricelli
Roukema	Smith (OR)	Trafaant
Rowland	Smith (TX)	Unsold
Royce	Snowe	Upton
Santorium	Solomon	Valentine
Sarpaluis	Spence	Visclosky
Saxton	Spratt	Volkmer
Schaefer	Stearns	Vucanovich
Schenk	Stenholm	Walker
Schiff	Stump	Walsh
Sensenbrenner	Stupak	Weldon
Sharp	Swett	Whitten
Shaw	Talent	Williams
Shays	Tanner	Wilson
Shepherd	Tauzin	Wolf
Shuster	Taylor (MS)	Wyden
Sisisky	Taylor (NC)	Young (AK)
Skaggs	Tejeda	Young (FL)
Skeen	Thomas (CA)	Zelliff
Skelton	Thomas (WY)	Zimmer

NOT VOTING—17

Andrews (TX)	Gallo	Portman
Borski	Hastings	Reynolds
Brooks	Istook	Romero-Barcelo
Brown (CA)	Kennedy	(PR)
Crane	Matsui	Sundquist
Edwards (CA)	Natcher	Washington

□ 1634

Messrs. TEJEDA, ROSTENKOWSKI, PALLONE, KLEIN, ORTIZ, and SLATTERY changed their vote from "aye" to "no."

Mr. WATT and Mr. WISE changed their vote from "no" to "aye."

So the amendment, as amended, offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. BARRETT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BARRETT of Nebraska. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 1, not voting 19, as follows:

[Roll No. 47]

AYES—418

Abercrombie	Bilbray	Chapman
Ackerman	Bilirakis	Clay
Allard	Bishop	Clayton
Andrews (ME)	Blackwell	Clement
Andrews (NJ)	Bliley	Clinger
Applegate	Blute	Clyburn
Archer	Boehlert	Coble
Armey	Boehner	Coleman
Bacchus (FL)	Bonilla	Collins (GA)
Bachus (AL)	Bonior	Collins (IL)
Baessler	Boucher	Collins (MI)
Baker (CA)	Brewster	Combest
Baker (LA)	Browder	Condit
Ballenger	Brown (FL)	Conyers
Barca	Brown (OH)	Cooper
Barcia	Bryant	Coppersmith
Barlow	Bunning	Cox
Barrett (NE)	Burton	Coyne
Barrett (WI)	Buyer	Cramer
Bartlett	Byrne	Crapo
Barton	Callahan	Cunningham
Bateman	Calvert	Danner
Becerra	Camp	Darden
Beilenson	Canady	de la Garza
Bentley	Cantwell	de Lugo (VI)
Bereuter	Cardin	Deal
Berman	Carr	DeFazio
Bevill	Castle	DeLauro

DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega
(AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde

Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klecza
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies
Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy

Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Oliver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rohrabacher
Romero-Barcelo
(PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skeltan
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snow
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump

Stupak
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli

Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman

Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—1

Owens

NOT VOTING—19

Andrews (TX)
Borski
Brooks
Brown (CA)
Costello
Crane
Edwards (CA)

Gallo
Hastings
Natcher
Penny
Pickle
Portman
Rangel

Reynolds
Rogers
Sundquist
Swift
Washington

□ 1645

Mr. SAWYER and Mr. NADLER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DURBIN: Page 408, after line 12, insert the following paragraph (and redesignate succeeding paragraphs accordingly):

"(6) Every day approximately 3,000 children start smoking for the first time and 30 percent of all high school seniors are smokers. Half of all new smokers begin before the age of 14, 90 percent before the age of 21, and the average age of the first use of smokeless tobacco products is under the age of 10. Use of tobacco products has been linked to serious health problems. However, because the nicotine in tobacco is an addictive substance, many tobacco users find it difficult to stop using tobacco once they have started. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco. Drug prevention programs for youth that address only controlled drugs send an erroneous message that the use of tobacco does not have adverse consequences. To be credible, messages opposing illegal drug use by youth should also address other harmful substances."

Page 439, strike lines 1 through 17, and insert the following:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DURBIN. Mr. Chairman, I have listened carefully to the debate in this Chamber over the problems and challenges facing school children in America.

In this section of the bill, we attempt to address many of the more serious health problems facing our children. Particularly, we are dedicating this section to the prevention of the use of narcotics and drugs by America's young people.

This amendment seeks to address a major health problem facing not only the children of this country but every American. I am referring specifically to the use of tobacco.

This amendment strikes a balance and says that our school system shall educate children not only on the dangers of alcohol and narcotics but also on the dangers of the use of tobacco.

Many people have said, "Congressman, why are you wasting your time talking about cigarettes? We are talking about drugs."

Well, I have to tell Members, and most people will understand, that tobacco is, in fact, the Nation's No. 1 addiction. In fact, tobacco is the No. 1 preventable cause of death in America.

Tobacco companies in America are very busy.

□ 1650

Mr. Chairman, the tobacco companies of America are very busy, not only making their products, lobbying on Capitol Hill, but also through their advertising, luring 3,000 American children every day to take up the tobacco habit, 3,000 kids a day. The tobacco companies are going after these kids because they have to replenish their ranks. Their veteran smokers are quitting, and unfortunately and sadly, dying, so they turn to kids.

This chart which I brought today tells the Members when Americans start smoking. Members will notice the ages 13 to 14, 25 percent of smokers in America got started. By the age of 12, incidentally, 25 percent as well. What this means is that in the 7th and 8th grades, half of the smokers today got started, and we know, because of the addictive quality of nicotine, they stick with this deadly habit, many of them to the grave.

Mr. Chairman, take a look and Members will see by age 20, 90 percent of the smokers in this country have already taken up the habit, so it is proper that we address this issue in terms of education of young people, to let them know of the dangers of smoking. Some people have said, "Why do we want to

complicate a drug-free bill, a drug prevention bill, with conversations about tobacco?" I would like for the Members to take into account the fact of what kills Americans today.

Mr. Chairman, these are causes of death. Look at this pie chart. These are the substantial deaths attributable to smoking and the use of tobacco, another substantial portion for alcohol, but much smaller, car accidents, fire, AIDS, narcotics like heroin. Suicide, homicide, cocaine, all are dwarfed in comparison to the number of young people who, once addicted to tobacco, will stick with it to the grave. That is why this is absolutely essential.

I might tell the Members that on the other side the tobacco companies shamelessly spend \$4 billion a year attracting our children to their products. Look at this stuff for Joe Camel. Is it any wonder that 3-year-olds in America can identify Joe Camel more easily than Mickey Mouse, and that is a fact, because the advertisers know it. In this cartoon quality, they are promoting their products among the children of America.

What we are proposing today is a small effort. It will be dwarfed by the \$4 billion spent by this industry, but if we are truly intent on raising our children so that they are healthy and have productive, healthy lives, we have got to include tobacco education in this process.

This amendment which I have brought forward, with the cooperation of the gentleman from Utah [Mr. HANSEN] and the gentlewoman from Maryland [Mrs. MORELLA], is an effort to put into our school curriculum, for the first time, meaningful education of kids before they are addicted about the dangers of tobacco. Is it necessary? Let me ask the Members this: As a parent, if you can sit there in good conscience and say, "I got good news today. My daughter came home from school and announced that she is going to start smoking" any parent who thinks that is good news does not understand the gravity of the problem that we face and the challenge we face.

As America comes to grips with smoking, banning smoking on airplanes, banning it through the Department of Defense just this week, McDonald's Corp. stepping forward, saying that in their own restaurants they are going to ban smoking, we understand that America is finally coming to realize this is just not another habit, this is a cause of death, particularly among children.

I urge the Members of this Chamber to consider and support this amendment.

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we may recall that when the Manhattan project came along, something we all get nervous about, and atomic bombs and things

such as that, we found ourselves in a situation where we were horrified yet glad it was over, when we saw a mushroom cloud kill 350,000 people. They were evaporated, just like that, all of them gone.

Now here in America it does not seem to bother us when we do it one at a time, but basically we do it in another puff of smoke, 350,000 people die a year, up in smoke, on the same theme. We call this one Joe Camel, Marlboro country, things such as that.

If tobacco was discovered in 1993 and went before the FDA, there is no way on Earth they would approve it, because it is an addictive drug. It is harder to stop from tobacco, some people say, than from cocaine.

The FDA made a statement like this. They said,

The current evidence suggests that nicotine, when delivered by cigarettes, produces psychological dependence resulting in withdrawal symptoms when smokers are deprived of nicotine. Other data suggests that the comparable percentage of smokers are in fact addicted, and addicted forever.

Here we go on, and the majority of our children start before they are 14 years old. Is it not amazing that we look at all these good things, an athlete, somebody out riding the range, somebody that looks like a camel with all the modern stuff on is what they look at. Why do they not show it the way it really is? Why do they not take a Midwestern town, somebody sitting in front of a bus station on a bench who has emphysema so bad that he cannot breathe. He has cancer. He is going to die at a young age. Why do they not show those? It amazes me, the marketing blitz they have come up with. I think the amendment by the gentleman from Illinois [Mr. DURBIN] is the type of thing we should be looking at.

The tobacco industry brags constantly about bringing about 2.3 million American jobs. Here are some they do not include in the list that we ought to think about on this amendment. It does not include physicians, x ray technicians, nurses, hospital employees, firefighters, dry cleaners, respiratory specialists, pharmacists, morticians, and gravediggers. They all get a big part of the tobacco money.

Mr. Chairman, I would hope that people in this House would see the reason of doing everything we possibly can to cut this out, and above all, to start teaching our youngsters when they are young so that they do not get themselves addicted to this horrible habit. I have yet to find anyone who smokes who does not wish they did not. I think this will be a step in the right direction.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to first of all rise to congratulate the gentleman from Illinois [Mr. DURBIN], the gen-

tleman from Utah [Mr. HANSEN], and the gentlewoman from Maryland [Mrs. MORELLA] for their leadership on this issue. I strongly support their amendment.

Nicotine addiction makes quitting smoking as hard as quitting heroin, cocaine, or alcohol. Research shows that for most smokers nicotine addiction begins during childhood or adolescence. A long-term national study has found that 70 percent of high school seniors who smoke one to five cigarettes a day are still smoking 5 years later. The fact is that while almost one-half million people die from smoking-related deaths annually, that 90 percent of those smokers begin smoking before they graduate from high school, and that demands that we treat this drug on the same level as alcohol and other illegal drugs.

Smoking is currently illegal for those under 18 in every State. The facts are clear. If this product is illegal for our children, addicting, and proves to be deadly if used properly, we have a responsibility in this House to teach our children the facts, help them deal with peer pressures, and aid in treatment of this deadly addiction.

The amendment that is offered today is needed so that prevention, early intervention, rehabilitation, referral, and education can all be possible for our children. We owe our children this chance to avoid becoming addicted to a problem that continues to kill nearly 400,000 Americans a year.

Mr. Chairman, I urge support in adoption of the amendment.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to today's attack on tobacco.

Obviously, they do not grow tobacco in Utah or Illinois.

It seems obvious to me that the politically correct Clinton administration and some of my colleagues in the House have their sights set on America's tobacco industry. An industry which produces a legal product consumed by millions of Americans.

Your Surgeon General thinks marijuana should be legalized. Do you want to put that in this bill?

As the ranking Republican on the Select Education and Civil Rights Subcommittee, I worked with the subcommittee chairman Major OWENS, Representative BOBBY SCOTT, and Representative SCOTTY BAESLER and others to clarify the language in the bill regarding tobacco. We worked out a compromise agreement that was satisfactory and approved by the Education and Labor Committee. I reject the attempt by Representative DURBIN to undo this compromise.

As a North Carolinian born and bred, I was troubled by how the Durbin amendment treats tobacco. Under the Durbin proposal, tobacco is equated

with the use of illegal controlled substances. While I certainly appreciate the need to educate young people to allow them to make informed decisions about the use of tobacco, tobacco has never been considered a controlled substance under the Drug Abuse Prevention and Control Act. In fact, it is my understanding that it is specifically excluded from the list of such substances. Because tobacco is a perfectly legal agricultural product, I strongly oppose adding the Durbin definition to tobacco and the Durbin findings on tobacco to a bill called the Safe and Drug-Free Schools and Communities Act.

In addition, I also oppose the Durbin language because of the signal that it sends—that the FDA can move forward with its initiative on nicotine and that others can continue to seek ways to ban smoking.

□ 1700

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I rise in support of the Durbin-Hansen-Morella amendment, which aims at discouraging young people from smoking.

Tobacco use continues to be a major health problem in the United States. More than 400,000 Americans die each year from diseases related to tobacco use. The American Heart Association emphasizes that "More people die each year in the United States from smoking than from aids, alcohol, drug use, homicide, car accidents, and fires combined."

Statistics show that most people smoke their first cigarette and become addicted to nicotine before the age of 18. Adolescent smokers become adult smokers. Very few individuals begin using tobacco products when they are adults. Consequently, the key to reducing the rate of disease resulting from tobacco use is to discourage young people from starting to use tobacco products.

Mr. Chairman, H.R. 6, as it is currently written, treats tobacco differently from alcohol and other drugs. In order to influence young people to stay away from alcohol and drugs, the bill provides programs aimed at prevention, intervention, rehabilitation, and education. When it comes to tobacco, the bill provides only education. In addition, the education that the bill provides only addresses the use of tobacco by elementary and secondary students. It does not address the use of tobacco by adults and the devastating effects of tobacco use at the various stages of life.

The Durbin amendment would require tobacco to be included in drug prevention programs that are authorized under H.R. 6. The amendment applies the bill's required "prevention, early intervention, rehabilitation referral, and education" to tobacco as well as the illegal use of alcohol and il-

legal drugs. It guarantees that tobacco use would be included in federally funded drug prevention programs.

The Durbin amendment would counter the effects of the tobacco industry's strategy for encouraging adolescents to try tobacco products. Though the tobacco industry claims to disapprove of smoking by minors, the industry spends \$4 billion on advertising to make smoking appear attractive, cool, and exciting to teenagers. One advertising campaign features Joe Camel, a cartoon character modeled after such characters as James Bond. This cartoon character appears in all of the "in" places, with beautiful women, race cars, and jet planes. Joe Camel always has a cigarette at hand, promoting the image that smoking is an essential part of a glamorous lifestyle. The Journal of the American Medical Association has published three studies showing that "Old Joe Camel" is recognized and remembered by children as young as 3 and 6.

Many cigarette ads target young women. These ads contain carefully designed themes highlighting "Thinness and femininity." The slogan for Virginia Slims emphasizes women's liberation and active participation in society. "You've come a long way baby," should be changed to, "You've come the wrong way, baby," for lung cancer now has surpassed breast cancer as a leading cause of death in women. In 1968, when Virginia Slims were first introduced, less than 8 percent of teenage girls smoked. In 6 years, that figure jumped to 15 percent.

According to the Surgeon General's Office, every day, approximately 3,000 children start smoking for the first time. More than one-third of all new smokers begin before the age of 14, and nearly two-thirds begin before the age of 16. Ninety percent of all new smokers begin by the time they graduate from high school. Moreover, tobacco can be the first step on the way to using alcohol and illegal drugs. It is also expensive when it comes to the American economy. Tobacco use accounts for \$68 billion in health care costs and lost productivity each year.

If adolescents can stay away from using tobacco products, chances are good that they will remain tobacco-free throughout their lives. The data from drug prevention programs such as DARE and Project Alert shows that drug and prevention programs that include tobacco are effective in reducing adolescent tobacco use. I urge my colleagues to support Mr. DURBIN's amendment!

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mrs. MORELLA. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just wondered whether that was the same Surgeon General that would like to legalize the use of marijuana.

Mrs. MORELLA. I do not think it was to legalize it. I think it was to come up with a study about it. But this has nothing to do with that. My point is that tobacco is such a deleterious substance that indeed we have a responsibility, and I raised nine kids; we have a responsibility in school to go beyond education, but to use also intervention where necessary.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the Durbin amendment. I do not oppose the amendment because I think kids ought to be allowed to smoke in school. Certainly kids should not smoke in school or anywhere else, and I do not think there is any Member in this chamber or anyone around this country who disagrees with that. Kids and teachers though ought to be dealing with reading, writing and arithmetic in schools. Teachers should be in the business of teaching kids how to be competitive, how to learn and how to expand their minds.

This amendment may have a lot of emotional appeal. But its adoption adds yet another layer of government involvement on each school system. And if the school system does not have an education program for this or for that, or does not have this or that policy in place, then they do not get any more Federal dollars.

Let us get our priorities straight. It is time to get the schools back in the business of teaching our children, not spending all of their time complying with Federal mandates.

Once again, we are going to supply just a very small part of the money to local schools in this country, yet we in Congress are going to continue to impose our will on what they should be doing with the other 94 percent of the money that they get from their local constituents and their States.

It is not our role, and it should not be our role for the Federal Government to sit here in Washington and mandate, without sending the dollars to the States and local communities.

Ms. EDDIE BERNICE JOHNSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, under the present version of H.R. 6 tobacco is treated differently than alcohol and other harmful drugs. In practice, however, tobacco is a drug which in fact is addictive, and one which causes hundreds of thousands of deaths every year in this country.

One out of every five deaths in America today is caused by tobacco use, and millions of Americans suffer from illnesses caused by secondhand smoke.

Just as with other drugs, children must be educated and protected to the extent possible. Any amendment that treats tobacco just as alcohol and other drugs are treated I would support.

Tobacco makes no distinction with regard to whom it harms, and we should make no distinction with regard to our treatment of tobacco.

Tobacco usage, without a doubt, will cause detriment to one's health. There is hardly any way that we can do anything about that kind of addiction unless the teaching and education starts early.

I support the amendment.

□ 1710

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not know, I just wonder what we do as a Congress. I think we send out the wrong signals.

I support the Durbin amendment. I think anybody who opposes it should have their lungs examined.

We spend millions of dollars to subsidize tobacco farmers, and then we pass laws advising the American public how tobacco smoking is bad for their health.

Now, what is the position of the Congress of the United States? Are we going to be politically involved with tobacco, or are we going to be interested in the health of the American people?

Now, look, I had my mother, who passed away of respiratory problems associated with smoking. Several of my family have. I think a lot of people are trying to say that the actions of the gentleman from Illinois [Mr. DURBIN] are similar because he has had some associated in his family. If so, thank God for the gentleman from Illinois [Mr. DURBIN] and for the effort he is making. I am proud to support the initiative you have brought forward, Mr. DURBIN.

Here is the bottom line: The Congress of the United States is either going to lead on this or get out of the way. You have Ronald McDonald taking the lead, you have the private sector taking the lead, the Pentagon is banning smoking. It has now been proven that second-hand smoke is a killer.

We are facing workmen's compensation costs as a Congress, and we are still here flapping our jaws about what we are going to do because of the politics and the pressures of the tobacco lobby.

Now look, I know there are a lot of jobs associated with this. But we had an awful lot of jobs in steel mills in my valley, and when they all fell apart, we were told we had to diversify. Ladies and gentlemen, there are a lot of cash crops America can pursue.

Now, let us talk about the other signals. I think it is time for the administration and the Congress of the United States to get their act straight on this drug business. We cannot have one person talking about legalizing marijuana, legalizing perhaps cocaine and heroin, and, on the other hand, looking at issues like tobacco.

I think the place to start is in the education of our young people. The Durbin-Morella amendment deals with that. I think we should support it. And I am glad to support it.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DURBIN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 48]

ANSWERED "PRESENT"—413

Abercrombie	Callahan	Dreier	Greenwood	Matsui	Rush
Ackerman	Calvert	Duncan	Gunderson	Mazzoli	Sabo
Allard	Camp	Dunn	Gutierrez	McCandless	Sanders
Andrews (ME)	Canady	Durbin	Hall (OH)	McCloskey	Sangmeister
Andrews (NJ)	Cantwell	Edwards (TX)	Hall (TX)	McCollum	Santorum
Applegate	Cardin	Ehlers	Hamburg	McCrery	Sarpalius
Archer	Carr	Emerson	Hamilton	McCurdy	Sawyer
Arney	Castle	Engel	Hancock	McDade	Saxton
Bacchus (FL)	Chapman	English	Hansen	McDermott	Schaefer
Bachus (AL)	Clay	Eshoo	Harman	McHale	Schenk
Baessler	Clayton	Evans	Hastert	McHugh	Schiff
Baker (CA)	Clement	Everett	Hayes	McInnis	Schroeder
Baker (LA)	Clinger	Fawell	Hefley	McKeon	Schumer
Ballenger	Clyburn	Fazio	Herger	McKinney	Scott
Barca	Coble	Fields (LA)	Hilliard	McMillan	Sensenbrenner
Barcia	Coleman	Fields (TX)	Hinchey	McNulty	Serrano
Barlow	Collins (GA)	Fingerhut	Hoagland	Meehan	Sharp
Barrett (NE)	Collins (IL)	Flake	Hobson	Meek	Shaw
Barrett (WI)	Collins (MI)	Foglietta	Hochbrueckner	Menendez	Shays
Bartlett	Combust	Ford (MI)	Hoekstra	Meyers	Shepherd
Barton	Condit	Ford (TN)	Hoke	Mfume	Shuster
Bateman	Conyers	Fowler	Holden	Mica	Sisisky
Becerra	Cooper	Franks (CT)	Horn	Michel	Skaggs
Bellenson	Coppersmith	Franks (NJ)	Houghton	Miller (CA)	Skeen
Bentley	Costello	Frost	Hoyer	Miller (FL)	Skelton
Bereuter	Cox	Furse	Huffington	Mineta	Slattery
Berman	Coyne	Galgely	Hughes	Minge	Slaughter
Bevill	Cramer	Gedjenson	Hunter	Mink	Smith (IA)
Bilbray	Crapo	Gekas	Hutchinson	Moakley	Smith (MI)
Bilirakis	Cunningham	Gephardt	Hutto	Mollinari	Smith (NJ)
Bishop	Danner	Geren	Hyde	Mollohan	Smith (OR)
Blackwell	Darden	Gilchrist	Inglis	Montgomery	Smith (TX)
Bliley	De la Garza	Gillmor	Inhofe	Moorhead	Snowe
Blute	de Lugo (VI)	Gilman	Inslee	Moran	Solomon
Boehlert	Deal	Gingrich	Istook	Morella	Spence
Boehner	DeFazio	Glickman	Jacobs	Murphy	Spratt
Bonilla	DeLauro	Gonzalez	Jefferson	Murtha	Stearns
Bonior	DeLay	Goodlatte	Johnson (CT)	Myers	Stenholm
Boucher	Dellums	Goodling	Johnson (GA)	Nadler	Strickland
Brewster	Derrick	Gordon	Johnson (SD)	Neal (MA)	Studds
Browder	Deutsch	Goss	Johnson (E.B.)	Norton (DC)	Stump
Brown (CA)	Diaz-Balart	Grams	Johnson, Sam	Nussle	Stupak
Brown (FL)	Dickey	Grandy	Johnston	Oberstar	Swett
Brown (OH)	Dicks	Green	Johnston	Obey	Swift
Bryant	Dingell		Kanjorski	Oliver	Synar
Bunning	Dixon		Kaptur	Ortiz	Talent
Burton	Dooley		Kasich	Orton	Tanner
Buyer	Doolittle		Kennedy	Oxley	Tauzin
Byrne	Dornan		Kennelly	Packard	Taylor (MS)
			Kildee	Pallone	Taylor (NC)
			Kim	Parker	Tejeda
			King	Pastor	Thomas (CA)
			Kingston	Paxon	Thomas (NY)
			Kleczka	Payne (NJ)	Thompson
			Klein	Payne (VA)	Thornton
			Klink	Penny	Thurman
			Klug	Peterson (FL)	Torkildsen
			Knollenberg	Peterson (MN)	Torres
			Kolbe	Petri	Torricelli
			Kopetski	Pickett	Towns
			Kreidler	Pickle	Trafficant
			Kyl	Pombo	Tucker
			LaFalce	Pomeroy	Underwood (GU)
			Lambert	Porter	Unsoeld
			Lancaster	Poshard	Upton
			Lantos	Price (NC)	Velazquez
			LaRocco	Pryce (OH)	Vento
			Laughlin	Quillen	Visclosky
			Lazio	Quinn	Volkmer
			Leach	Rahall	Vucanovich
			Lehman	Ramstad	Walker
			Levin	Rangel	Walsh
			Levy	Ravenel	Waters
			Lewis (CA)	Reed	Watt
			Lewis (FL)	Regula	Waxman
			Lewis (GA)	Richardson	Weldon
			Lightfoot	Ridge	Wheat
			Linder	Roberts	Whitten
			Lipinski	Roemer	Wilson
			Livingston	Rogers	Wise
			Long	Rohrabacher	Wolf
			Lowe	Romero-Barcelo	Woolsey
			Machtley	(PR)	Wyden
			Maloney	Ros-Lehtinen	Wynn
			Mann	Rostenkowski	Yates
			Manton	Roth	Young (AK)
			Manzullo	Roukema	Young (FL)
			Margolies	Rowland	Zeliff
			Mezvinsky	Royal-Allard	Zimmer
			Markay	Royce	
			Martinez		

The CHAIRMAN. Four hundred thirteen Members declaring their presence, a quorum clearly is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Illinois [Mr. DURBIN] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will state this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 353, noes 70, answered "present" 1, not voting 14, as follows:

[Roll No. 49]

AYES—353

Abercrombie	Edwards (TX)	Johnson, E. B.
Ackerman	Ehlers	Johnston
Andrews (ME)	Engel	Kaptur
Andrews (NJ)	English	Kasich
Archer	Eshoo	Kennedy
Bacchus (FL)	Evans	Kennelly
Bacchus (AL)	Everett	Kildee
Baker (CA)	Ewing	Kim
Barca	Faleomavaega	King
Barrett (NE)	(AS)	Kleczka
Barrett (WI)	Farr	Klein
Bartlett	Fawell	Klink
Becerra	Fazio	Klug
Beilenson	Fields (LA)	Knollenberg
Bereuter	Fields (TX)	Kolbe
Berman	Flimer	Kreidler
Bevill	Fingerhut	Kyl
Bilbray	Fish	LaFalce
Billirakis	Flake	Lambert
Bishop	Foglietta	Lantos
Blackwell	Ford (MI)	LaRocco
Blute	Ford (TN)	Laughlin
Boehlert	Fowler	Lazio
Bonilla	Frank (MA)	Leach
Browder	Franks (CT)	Lehman
Brown (CA)	Franks (NJ)	Levin
Brown (OH)	Frost	Levy
Bryant	Furse	Lewis (CA)
Burton	Galgely	Lewis (FL)
Buyer	Gedjenson	Lewis (GA)
Byrne	Gephardt	Lightfoot
Calvert	Gibbons	Linder
Camp	Gilchrest	Lipinski
Canady	Gillmor	Livingston
Cantwell	Gilman	Lloyd
Cardin	Glickman	Long
Castle	Gonzalez	Lowe
Chapman	Goodling	Machtley
Clay	Goss	Maloney
Clement	Grams	Mann
Clinger	Grandy	Manzullo
Coleman	Greenwood	Margolies
Collins (GA)	Gunderson	Mezvisinsky
Collins (IL)	Gutierrez	Markey
Collins (MI)	Hall (OH)	Martinez
Combest	Hall (TX)	Matsui
Condit	Hamburger	Mazzoli
Conyers	Hamilton	McCandless
Cooper	Hansen	McCloskey
Coppersmith	Harman	McCollum
Costello	Hastert	McCrery
Cox	Hayes	McCurdy
Coyne	Hefley	McDade
Cramer	Herger	McDermott
Crapo	Hinchey	McHale
Cunningham	Hoagland	McHugh
Darden	Hobson	McInnis
de la Garza	Hochbrueckner	McKeon
de Lugo (VI)	Hoekstra	McKinney
Deal	Hoke	McNulty
DeFazio	Holden	Meehan
DeLauro	Horn	Menendez
DeLay	Hoyer	Meyers
Dellums	Huffington	Mfume
Derrick	Hughes	Mica
Deutsch	Hutchinson	Miller (CA)
Diaz-Balart	Hutto	Miller (FL)
Dickey	Hyde	Mineta
Dicks	Inglis	Minge
Dixon	Inhofe	Mink
Dooley	Inslie	Moakley
Doolittle	Istook	Molinari
Dornan	Jacobs	Montgomery
Dreier	Jefferson	Moorhead
Duncan	Johnson (CT)	Moran
Dunn	Johnson (GA)	Morella
Durbin	Johnson (SD)	Murphy

Murtha	Ros-Lehtinen	Stupak
Myers	Rostenkowski	Swett
Nadler	Roth	Swift
Neal (MA)	Roukema	Synar
Norton (DC)	Rowland	Talent
Nussle	Roybal-Allard	Tauzin
Oberstar	Royce	Taylor (MS)
Obey	Rush	Tejeda
Oliver	Sabo	Thomas (CA)
Ortiz	Sanders	Thomas (WY)
Orton	Sangmeister	Thornton
Owens	Santorum	Thurman
Oxley	Sarpalins	Torkildsen
Packard	Sawyer	Torres
Pallone	Schenk	Torricelli
Parker	Schiff	Towns
Pastor	Schroeder	Trafigant
Payne (NJ)	Schumer	Tucker
Pelosi	Sensenbrenner	Underwood (GU)
Penny	Serrano	Unsold
Peterson (FL)	Sharp	Upton
Peterson (MN)	Shaw	Velazquez
Petri	Shays	Vento
Pickle	Shepherd	Visclosky
Pombo	Shuster	Volkmeyer
Pomeroy	Skaggs	Walsh
Porter	Skeen	Waters
Poshard	Skelton	Waxman
Pryce (OH)	Slattery	Weldon
Quinn	Slaughter	Wheat
Rahall	Smith (IA)	Whitten
Ramstad	Smith (MI)	Wilson
Rangel	Smith (NJ)	Wise
Reed	Smith (TX)	Wolf
Regula	Snowe	Woolsey
Richardson	Solomon	Wyden
Ridge	Stark	Wynn
Roberts	Stearns	Yates
Roemer	Stenholm	Young (FL)
Rohrabacher	Stokes	Zeliff
Romero-Barcelo	Strickland	Zimmer
(PR)	Studds	

NOES—70

Allard	Emerson	Pickett
Armey	Gekas	Price (NC)
Baessler	Geren	Quillen
Baker (LA)	Gingrich	Ravenel
Ballenger	Goodlatte	Rogers
Barcia	Gordon	Rose
Barlow	Green	Saxton
Barton	Hancock	Schaefer
Bateman	Hefner	Scott
Bentley	Hilliard	Sisisky
Bliley	Houghton	Smith (OR)
Boehner	Hunter	Spence
Bonior	Johnson, Sam	Spratt
Boucher	Kanjorski	Stump
Brewster	Kingston	Tanner
Brown (FL)	Kopetski	Taylor (NC)
Bunning	Lancaster	Thompson
Callahan	Manton	Vucanovich
Carr	McMillan	Walker
Clayton	Meek	Watt
Clyburn	Mollohan	Williams
Coble	Neal (NC)	Young (AK)
Danner	Paxon	
Dingell	Payne (VA)	

ANSWERED "PRESENT"—1

Applegate

NOT VOTING—14

Andrews (TX)	Gallo	Reynolds
Borski	Hastings	Sundquist
Brooks	Michel	Valentine
Crane	Natcher	Washington
Edwards (CA)	Portman	

□ 1750

Mrs. CLAYTON changed her vote from "aye" to "no."

Mr. COX and Mr. DORNAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. BARCIA of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, section 2217 of the bill authorizes the Secretary of Education to carry out actions to provide Federal

leadership in promoting the use of technology in education.

The Consortium for International Earth Science Information Network [CIESIN] is an entity supported by several Federal agencies to create the means to make government's environmental science data base accessible and useful for science, education, and policy making. CIESIN can provide coordinated activities that are of great use to education if students are allowed to access CIESIN's database by Internet.

My question to you, Mr. Chairman, is whether or not CIESIN would be a non-profit agency eligible for the type of grants or contracts envisioned by section 2217?

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. BARCIA of Michigan. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, let me say to the gentleman that CIESIN would be eligible for the grants or contracts authorized by this section.

The CHAIRMAN. Are there further amendments to title IV of the bill?

If not, the Clerk will designate title V.

The text of title V is as follows:

**"TITLE V—MAGNET SCHOOLS ASSISTANCE
"PART A—PROMOTING EQUITY**

"SEC. 5101. FINDINGS.

"The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in its schools;

"(2) the use of magnet schools has increased dramatically since enactment of the magnet program, with approximately 1.4 million students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

"(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

"(4) in administering this program, the Federal Government has learned that—

"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of magnet students from other students in the school;

"(B) local educational agencies can maximize their effectiveness in achieving the purposes of this program if they have more flexibility to serve students attending a school who are not enrolled in the magnet school program;

"(C) local educational agencies must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

"(D) local educational agencies must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs are placed; and

"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist local educational agencies to improve their capacity to continue to operate magnet schools at a high level of performance;

"(5) it is in the best interest of the Federal Government to—

"(A) continue its support of local educational agencies implementing court-ordered desegregation plans and local educational agencies seeking to foster meaningful interaction among students of different racial and ethnic backgrounds beginning at the earliest stage of their education;

"(B) ensure that all students have equitable access to quality education that will prepare them to function well in a culturally diverse, technologically-oriented, and highly competitive global community; and

"(C) maximize the ability of local educational agencies to plan, develop, implement and continue new and innovative programs in magnet schools that contribute to State and local systemic reform.

"SEC. 5102. STATEMENT OF PURPOSE.

"The purpose of this part is to assist in the desegregation of local educational agencies by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State performance standards;

"(3) the development and design of innovative educational methods and practices; and

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

"SEC. 5103. PROGRAM AUTHORIZED.

"The Secretary is authorized, in accordance with this part, to make grants to eligible local educational agencies for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 5104. DEFINITION.

"For the purpose of this part, the term 'magnet school' means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 5105. ELIGIBILITY.

"A local educational agency is eligible to receive assistance under this part if it—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 5106. APPLICATIONS AND REQUIREMENTS.

"(a) APPLICATIONS.—An eligible local educational agency desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(b) INFORMATION AND ASSURANCES.—An application under this part shall include—

"(1) a description of—

"(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

"(C) the manner in which an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of whether successful magnet schools established or supported by the applicant with funds under this part have been continued without the use of funds under this part;

"(D) how funds under this part will be used to implement services and activities that are consistent with the State's and local educational agency's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this part for the purposes specified in section 5103;

"(B) employ teachers in the courses of instruction assisted under this part who are certified or licensed by the State to teach the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 5107. PRIORITY.

"In approving applications under this part, the Secretary shall give priority to applicants that—

"(1) have the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects or significantly revise existing magnet school projects;

"(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

"(4) propose to implement innovative educational approaches that are consistent with the State's and local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act; and

"(5) propose to draw on comprehensive community involvement plans.

"SEC. 5108. USE OF FUNDS.

"(a) USE OF FUNDS.—Grants made under this part may be used by eligible local educational agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State and who are necessary to conduct programs in magnet schools; and

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this part.

"(b) SPECIAL RULE.—With respect to subsections (a) (2) and (3), such grants may be used by eligible local educational agencies for such activities only if such activities are directly related to improving the students' reading skills or their knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

"SEC. 5109. PROHIBITIONS.

"Grants under this part may not be used for transportation, or for any activity that does not augment academic improvement.

"SEC. 5110. LIMITATION ON PAYMENTS.

"(a) DURATION OF AWARDS.—Awards made under this part shall not exceed 3 years.

"(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning up to 50 percent of the funds received under this part for the first year of the project, 15 percent for the second year of the project, and up to 10 percent for the third year of the project.

"(c) LIMITATION ON GRANTS.—A local educational agency shall not receive more than \$4,000,000 under this part in any one grant cycle.

"(d) AWARD REQUIREMENT.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies under this part no later than June 1 of the applicable fiscal year.

"SEC. 5111. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

"(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated \$120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds \$75,000,000, the Secretary shall, with respect to such excess amount, give priority to grants to local educational agencies that did not receive a grant under this part in the last fiscal year of the funding cycle prior to the fiscal year for which the determination is made.

"(c) EVALUATIONS.—The Secretary may reserve not more than 2 percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects under this part.

"PART B—EQUALIZATION ASSISTANCE"**"SEC. 5201. TECHNICAL AND OTHER ASSISTANCE FOR SCHOOL FINANCE."**

"(a) TECHNICAL ASSISTANCE.—(1) The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist them in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

"(2) A grant or contract under this section may support technical assistance activities, such as—

"(A) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

"(B) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

"(C) obtaining advice from experts in the field of school finance equalization.

"(b) RESEARCH.—(1) The Secretary is authorized to carry out applied research and analysis designed to further knowledge and understanding of methods to achieve greater equity in the distribution of financial resources among local educational agencies.

"(2) The Secretary may carry out research under this subsection directly or through grants to, or contracts or cooperative agreements with, any public or private organization.

"(3) In carrying out this section, the Secretary is authorized to—

"(A) support research on the equity of existing State school funding systems;

"(B) train individuals in such research;

"(C) promote the coordination of such research;

"(D) collect and analyze data related to school finance equity in the United States and other nations; and

"(E) report periodically on the progress of States in achieving school finance equity.

"(4) The Secretary shall coordinate activities under this subsection with activities carried out by the Office of Educational Research and Improvement.

"(5) Each State educational agency or local educational agency receiving assistance under this Act shall provide such data and information on school finance as the Secretary may require to carry out the purposes of this section.

"(c) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of their school finance systems.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated \$8,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"PART C—WOMEN'S EDUCATIONAL EQUITY ACT"**"SEC. 5301. FINDINGS AND STATEMENT OF PURPOSE."**

"(a) FINDINGS.—The Congress finds and declares that—

"(1) educational programs in the United States are frequently inequitable as such programs relate to women and girls;

"(2) such inequities limit the full participation of all individuals in American society; and

"(3) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls.

"(b) PURPOSE.—The purpose of this part is to provide gender equity in education in the United States; to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and to provide equity in education to women and girls who suffer multiple forms of discrimination based on sex, race, ethnic origin, limited English proficiency, disability, or age.

"SEC. 5302. PROGRAMS AUTHORIZED."

"The Special Assistant of the Office of Women's Equity is authorized—

"(1) to promote, coordinate and evaluate gender equity policies, programs, activities and initiatives in all federal education program and offices;

"(2) to develop, maintain, and disseminate materials, resources, analyses and research relating to education equity for women and girls;

"(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

"(4) to coordinate gender equity programs and activities with other federal agencies with jurisdiction over education and related programs;

"(5) to provide grants to develop model equity programs;

"(6) to provide funds for the implementation of equity programs in schools throughout the Nation;

"(7) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to education equity for women and girls; and

"(8) any other activities consistent with achieving the purposes of this part.

"SEC. 5303. LOCAL IMPLEMENTATION GRANTS."

"(a) AUTHORITY.—The Secretary is authorized to make grants to, and enter into contracts with, public agencies, private nonprofit agencies, organizations, and institutions, including students and community groups, for activities designed to achieve the purposes of this part at all levels of education, including preschool, elementary and secondary education, higher education, adult education and vocational/technical education; for the establishment and operation, for a period not to exceed four years, of local programs to ensure—

"(1) educational equity for women and girls

"(2) equal opportunities for both sexes

"(3) to conduct activities incident to achieving compliance with title IX of the Education Amendments of 1972; and

"(b) GRANT PROGRAM.—Authorized activities under subsection (a) may include—

"(1) introduction into the curriculum and classroom of curricula, textbooks, and other material designed to achieve equity for women and girls;

"(2) implementation of preservice and inservice training with special emphasis on programs and activities designed to provide educational equity for women and girls;

"(3) evaluation of promising or exemplary model programs to assess their ability to improve local efforts to advance educational equity for women and girls;

"(4) implementation of programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

"(5) implementation of guidance and counseling activities, including career education program, designed to ensure educational equity for women and girls;

"(6) implementation of nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

"(7) implementation of programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low income women; including underemployed and unemployed women and women receiving Aid to Families with Dependent Children benefits;

"(8) implementation of programs to improve representation of women in educational administration at all levels; and

"(9) planning, development and initial implementation of:

"(A) comprehensive plans for implementation of equity programs in state and local educational agencies and institutions of higher education; including community colleges;

"(B) innovative approaches to school-community partnerships for educational equity;

"(C) innovative approaches to equity programs addressing combined bias, stereotyping, and discrimination on the basis of sex and race, ethnic origin, limited English proficiency, and disability.

"(c) APPLICATION; PARTICIPATION.—A grant may be made, and a contract may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe. Each such application shall—

"(1) provide that the program or activity for which assistance is sought will be administered by or under the supervision of the applicant and in cooperation with appropriate educational and community leaders, including parent, teacher and student organizations, educational institutions, business leaders, community-based organizations serving women, and other significant groups and individuals;

"(2) describe a program for carrying out the purpose set forth in Section 5303(b) which holds promise of making substantial contribution toward attaining such purposes;

"(3) describe plans for continuation and institutionalization of the program with local support following completion of the grant period and termination of Federal support under this part; and

"(4) establish policies and procedures which ensure adequate documentation and evaluation of the activities intended to be carried out under the application.

"(d) CRITERIA; PRIORITIES; CATEGORIES OF COMPETITION.—The Secretary shall establish criteria, priorities, and categories of competition for awards under this part to ensure that available funds are used for those purposes that most effectively will achieve the purposes of the Act.

"(1) The criteria shall address the extent to which—

"(A) the program addresses the needs of women and girls of color and women and girls with disabilities;

"(B) the program meets locally defined and documented educational equity needs and priorities, including title IX compliance;

"(C) the program is a significant component of a comprehensive plan for educational equity and title IX compliance in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution; and

"(D) the program implements an institutional change strategy with long-term impact and will continue as a central activity of the applicant agency or institution after the grant is completed.

"(2) The Secretary shall establish no more than four priorities, one of which shall be a priority for compliance with title IX of the Education Amendments of 1972. Not more than 60 percent of funds available in each fiscal year shall be allocated to programs under the four priorities.

"(3) The Secretary shall establish 3 categories of competition, distinguishing among three types of applicants and levels of education that shall include—

"(A) grants to local educational agencies, state education agencies, and other agencies and organizations providing elementary and secondary education;

"(B) grants to institutions of higher education, including community colleges and other agencies and organizations providing postsecondary education, including vocational-technical education, adult education, and other programs; and

"(C) grants to non-profit organizations, including community-based organizations, groups representing students, parents, and women, including women and girls of color and women and girls with disabilities.

"(e) REQUIREMENT.—Not less than 25 percent of funds used to support activities covered by subsection (b) shall be used for awards under each category of competition in each fiscal year.

"(f) SPECIAL RULE.—The Secretary shall ensure that the total of grants awarded each year address—

"(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

"(2) all regions of the United States, including at least one grant in each of the ten Federal regions; and

"(3) urban, rural, and suburban educational institutions.

"SEC. 5304. RESEARCH AND DEVELOPMENT GRANTS.

"(a) AUTHORITY.—The Secretary is authorized to make grants to, and enter into contracts with, public agencies, private non-profit agencies, organizations, and institutions, including students, and community groups, for activities designed to achieve the purpose of this part at all levels of education, including preschool, elementary and secondary education, higher education, adult education and vocational-technical education; to develop model policies and programs, and to conduct research to address and ensure educational equities for women and girls, including but not limited to—

"(1) the development and evaluation of gender-equitable curricula, textbooks, software, and other educational material and technology;

"(2) the development of model preservice and inservice training programs for educational personnel with special emphasis on programs and activities designed to provide educational equity;

"(3) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity;

"(4) the development and evaluation of nondiscriminatory assessment systems;

"(5) the development of policies and programs to address and prevent sexual harassment and violence to ensure that educational institutions are free from threats to safety of students and personnel;

"(6) the development and improvement of programs and activities to increase oppor-

tunity for women, including continuing educational activities, vocational education, and programs for low income women; including underemployed and unemployed women, and women receiving Aid to Families with Dependent Children.

"(7) the development of instruments and strategies for program evaluation and dissemination of promising or exemplary programs designed to improve local efforts to achieve gender equity;

"(8) the development of instruments and procedures to assess the presence or absence of gender equity in educational settings;

"(9) the development and evaluation of various strategies to institutionalize gender equity in education.

"(b) APPLICATION.—A grant may be made, and a contract may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe. Each such application shall—

"(1) provide that the program or activity for which assistance is sought will be administered by or under the supervision of the applicant;

"(2) describe a plan for carrying out 1 or more research and development activities authorized in paragraph (a) above, which holds promise of making a substantial contribution toward attaining the purposes of this act; and

"(3) set forth policies and procedures which insure adequate documentation, data collection, and evaluation of the activities intended to be carried out under the application, including an evaluation or estimate of the potential for continued significance following completion of the grant period.

"(c) CRITERIA AND PRIORITIES.—(1) The Secretary shall establish criteria and priorities to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.

"(2) The criteria and priorities shall be promulgated in accordance with section 431 of the General Education Provisions Act.

"(3) In establishing priorities the Secretary shall establish no more than 4 priorities, 1 of which shall be programs which address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

"(d) SPECIAL RULE.—The Secretary shall ensure that the total of grants awarded each year address—

"(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

"(2) all regions of the United States;

"(d) COORDINATION.—Research activities supported under this part—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Women's Equity and the Office of Educational Research and Improvement.

"(f) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted under this part.

"SEC. 5305. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) for the purpose of carrying out the provisions of section 5303, there are authorized to be appropriated \$3,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999; and

"(2) for the purpose of carrying out the provisions of section 5304, there are authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

Mr. KILDEE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. TORRES] having assumed the chair, Mr. PRICE of North Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, as a result of a family emergency, I was unable to vote on a number of amendments to H.R. 6 that were considered. Had I been in attendance, I would have voted as follows: Rollcall No. 43—Aye; Rollcall No. 44—Aye; Rollcall No. 45—Aye; Rollcall No. 46—No; Rollcall No. 47—Aye; Rollcall No. 49—Aye.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT ON HOUSE CONCURRENT RESOLUTION 218, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report on the concurrent resolution (H. Con. Res. 218) providing for consideration of the concurrent resolution on the budget for fiscal year 1995 through fiscal year 1999, House Concurrent Resolution 218.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOURLY OF MEETING ON TOMORROW, THURSDAY, MARCH 10, 1994

Mr. WISE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CHILD SAFETY PROTECTION ACT

Mrs. COLLINS of Illinois. Mr. Speaker, I ask unanimous consent to take

from the Speaker's table the bill (H.R. 965) to provide for toy safety and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safety Protection Act".

TITLE I—TOY LABELING REQUIREMENTS

SEC. 101. REQUIREMENTS FOR LABELING CERTAIN TOYS AND GAMES.

(a) REQUIREMENT UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended by adding at the end the following new section:

"SEC. 24. REQUIREMENTS FOR LABELING CERTAIN TOYS AND GAMES.

"(a) TOYS OR GAMES FOR CHILDREN WHO ARE AT LEAST 3.—

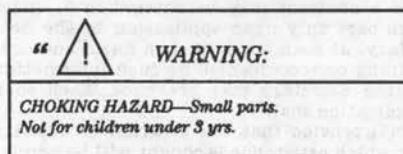
"(1) REQUIREMENT.—The packaging of any toy or game intended for use by children who are at least 3 years old but not older than 6 years (or such other upper age limit as the Commission may determine, which may not be less

than 5 years old), any descriptive material which accompanies such toy or game, and, in the case of bulk sales of such toy or game when unpackaged, any bin, container for retail display, or vending machine from which the unpackaged toy or game is dispensed shall bear or contain the cautionary statement described in paragraph (2) if the toy or game—

"(A) is manufactured for sale, offered for sale, or distributed in commerce in the United States, and

"(B) includes a small part, as defined by the Commission.

"(2) LABEL.—The cautionary statement required by paragraph (1) for a toy or game shall be as follows:



"(b) BALLOONS, SMALL BALLS, AND MARBLES.—

"(1) REQUIREMENT.—In the case of any latex balloon, any ball with a diameter of 1.75 inches or less intended for children 3 years of age or older, any marble intended for children 3 years of age or older, or any toy or game which contains such a balloon, ball, or marble, which is manufactured for sale, offered for sale, or distributed in commerce in the United States—

"(A) the packaging of such balloon, ball, marble, toy, or game,

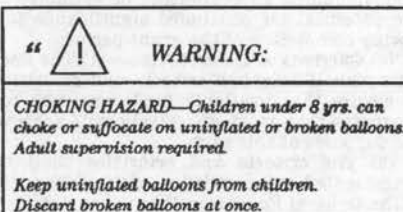
"(B) any descriptive material which accompanies such balloon, ball, marble, toy, or game, and

"(C) in the case of bulk sales of any such product when unpackaged, any bin, container for retail display, or vending machine from which such unpackaged balloon, ball, marble, toy, or game is dispensed,

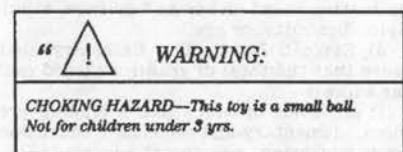
shall bear or contain the cautionary statement described in paragraph (2).

"(2) LABEL.—The cautionary statement required under paragraph (1) for a balloon, ball, marble, toy, or game shall be as follows:

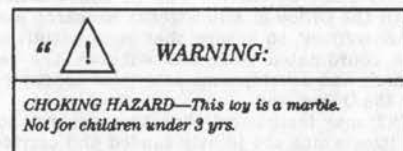
"(A) BALLOONS.—In the case of balloons, or toys or games that contain later balloons, the following cautionary statement applies:



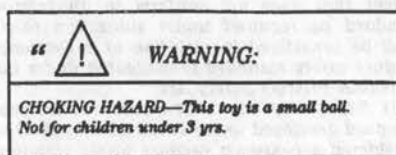
"(B) BALLS.—In the case of balls, the following cautionary statement applies:



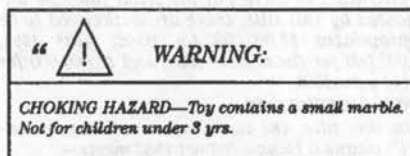
"(C) MARBLES.—In the case of marbles, the following cautionary statement applies:



"(D) TOYS AND GAMES.—In the case of toys or games containing balls, the following cautionary statement applies:



In the case of toys or games containing marbles, the following cautionary statement applies:



“(c) GENERAL LABELING REQUIREMENTS.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), any cautionary statement required under subsection (a) or (b) shall be—

“(A) displayed in its entirety on the principal display panel of the product's package, and on any descriptive material which accompanies the product, and, in the case of bulk sales of such product when unpackaged, on the bin, container for retail display of the product, and any vending machine from which the unpackaged product is dispensed, and

“(B) displayed in the English language in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such package, descriptive materials, bin, container, and vending machine, and in a

manner consistent with part 1500 of title 16, Code of Federal Regulations (or successor regulations thereto).

“(2) EXCEPTION FOR PRODUCTS MANUFACTURED OUTSIDE UNITED STATES.—In the case of a product manufactured outside the United States and directly shipped from the manufacturer to the consumer by United States mail or other delivery service, the accompanying material inside the package of the product may fail to bear the required statement if other accompanying material shipped with the product bears such statement.

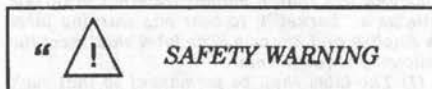
“(3) SPECIAL RULES FOR CERTAIN PACKAGES.—(A) A cautionary statement required by subsection (a) or (b) may, in lieu of display on the principal display panel of the product's pack-

age, be displayed on another panel of the package if—

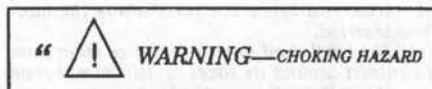
“(i) the package has a principal display panel of 15 square inches or less and the required statement is displayed in three or more languages; and

“(ii) the statement specified in subparagraph (B) is displayed on the principal display panel and is accompanied by an arrow or other indicator pointing toward the place on the package where the statement required by subsection (a) or (b) appears.

“(B)(i) In the case of a product to which subsection (a), subsection (b)(2)(B), subsection (b)(2)(C), or subsection (b)(2)(D) applies, the statement specified by this subparagraph is as follows:



“(ii) In the case of a product to which subsection (b)(2)(A) applies, the statement specified by this subparagraph is as follows:



“(d) TREATMENT AS MISBRANDED HAZARDOUS SUBSTANCE.—A balloon, ball, marble, toy, or game, that is not in compliance with the requirements of this section shall be considered a misbranded hazardous substance under section 2(p).”

(b) OTHER SMALL BALLS.—A small ball—

(1) intended for children under the age of 3 years of age, and

(2) with a diameter of 1.75 inches or less, shall be considered a banned hazardous substance under section 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)).

(c) REGULATIONS.—The Consumer Product Safety Commission (hereinafter referred to as the “Commission”) shall promulgate regulations, under section 553 of title 5, United States Code, for the implementation of this section and section 24 of the Federal Hazardous Substances Act by July 1, 1994, or the date that is 6 months after the date of enactment of this Act, whichever occurs first. Subsections (f) through (i) of section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) shall not apply with respect to the issuances of regulations under this subsection.

(d) EFFECTIVE DATE; APPLICABILITY.—Subsections (a) and (b) shall take effect January 1, 1995, and section 24 of the Federal Hazardous Substances Act shall apply only to products entered into commerce on or after January 1, 1995.

(e) PREEMPTION.—

(1) IN GENERAL.—Subject to paragraph (2), a State or political subdivision of a State may not establish or enforce a requirement relating to cautionary labeling of small parts hazards or choking hazards in any toy, game, marble, small ball, or balloon intended or suitable for use by children unless such requirement is identical to a requirement established by amendments made by this section to the Federal Hazardous Substances Act or by regulations promulgated by the Commission.

(2) EXCEPTION.—A State or political subdivision of a State may, until January 1, 1995, enforce a requirement described in paragraph (1) if such requirement was in effect on October 2, 1993.

SEC. 102. REPORTING REQUIREMENTS.

(a) REPORTS TO CONSUMER PRODUCT SAFETY COMMISSION.—

(1) REQUIREMENT TO REPORT.—Each manufacturer, distributor, retailer, and importer of a

marble, small ball, or latex balloon, or a toy or game that contains a marble, small ball, latex balloon, or other small part, shall report to the Commission any information obtained by such manufacturer, distributor, retailer, or importer which reasonably supports the conclusion that—

(A) an incident occurred in which a child (regardless of age) choked on such a marble, small ball, or latex balloon or on a marble, small ball, latex balloon, or other small part contained in such toy or game; and

(B) as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.

(2) TREATMENT UNDER CPSA.—For purposes of section 19(a)(3) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(3)), the requirement to report information under this subsection is deemed to be a requirement under such Act.

(3) EFFECT ON LIABILITY.—A report by a manufacturer, distributor, retailer, or importer under paragraph (1) shall not be interpreted, for any purpose, as an admission of liability or of the truth of the information contained in the report.

(b) **CONFIDENTIALITY PROTECTIONS.**—The confidentiality protections of section 6(b) of the Consumer Product Safety Act (15 U.S.C. 2055(b)) apply to any information reported to the Commission under subsection (a) of this section. For purposes of section 6(b)(5) of such Act, information so reported shall be treated as information submitted pursuant to section 15(b) of such Act respecting a consumer product.

TITLE II—CHILDREN'S BICYCLE HELMET SAFETY

SEC. 201. SHORT TITLE.

This title may be cited as the "Children's Bicycle Helmet Safety Act of 1993".

SEC. 202. ESTABLISHMENT OF PROGRAM.

The Administrator of the National Highway Traffic Safety Administration may, in accordance with section 203, make grants to States and nonprofit organizations for programs that require or encourage individuals under the age of 16 to wear approved bicycle helmets. In making those grants, the Administrator shall allow grantees to use wide discretion in designing programs that effectively promote increased bicycle helmet use.

SEC. 203. PURPOSES FOR GRANTS.

A grant made under section 202 may be used by a grantee to—

- (1) enforce a law that requires individuals under the age of 16 to wear approved bicycle helmets on their heads while riding on bicycles;
- (2) assist individuals under the age of 16 to acquire approved bicycle helmets;
- (3) develop and administer a program to educate individuals under the age of 16 and their families on the importance of wearing such helmets in order to improve bicycle safety; or
- (4) carry out any combination of the activities described in paragraphs (1), (2), and (3).

SEC. 204. STANDARDS.

(a) **IN GENERAL.**—Bicycle helmets manufactured 9 months or more after the date of the enactment of this Act shall conform to—

- (1) any interim standard described under subsection (b), pending the establishment of a final standard pursuant to subsection (c); and
- (2) the final standard, once it has been established under subsection (c).

(b) **INTERIM STANDARDS.**—The interim standards are as follows:

- (1) The American National Standards Institute standard designated as "Z90.4-1984".
- (2) The Snell Memorial Foundation standard designated as "B-90".
- (3) The American Society of Testing Materials standard designated as "F 1447".
- (4) Any other standard that the Commission determines is appropriate.

(c) **FINAL STANDARD.**—Not later than 60 days after the date of the enactment of this Act, the Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

- (1) review the requirements of the interim standards set forth in subsection (a) and establish a final standard based on such requirements;
- (2) include in the final standard a provision to protect against the risk of helmets coming off the heads of bicycle riders;
- (3) include in the final standard provisions that address the risk of injury to children; and
- (4) include additional provisions as appropriate.

Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to the proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding. The final standard shall take effect 1 year from the date it is issued.

(d) **FAILURE TO MEET STANDARDS.**—

(1) **FAILURE TO MEET INTERIM STANDARD.**—Until the final standard takes effect, a bicycle

helmet that does not conform to an interim standard as required under subsection (a)(1) shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(2) **STATUS OF FINAL STANDARD.**—The final standard developed under subsection (c) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

For the National Highway Traffic Safety Administration to carry out the grant program authorized by this title, there are authorized to be appropriated \$2,000,000 for fiscal year 1994, \$3,000,000 for fiscal year 1995, and \$4,000,000 for fiscal year 1996.

SEC. 206. DEFINITION.

In this title, the term "approved bicycle helmet" means a bicycle helmet that meets—

- (1) any interim standard described in section 204(b), pending establishment of a final standard under section 204(c); and
- (2) the final standard, once it is established under section 204(c).

TITLE III—BUCKET DROWNING PREVENTION

SEC. 301. LABELING STANDARD REQUIREMENTS.

On October 1, 1994, or 240 days after the date of the enactment of this title, whichever first occurs, there is established and effective a consumer product safety standard under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), to eliminate or reduce the risk of injury or death resulting from infants falling into 4-gallon to 6-gallon buckets containing liquid. Such standard, when established, shall require straight sided or slightly tapered, open head containers with a capacity of more than 4 gallons and less than 6 gallons (referred to in this title as a "bucket"), to bear one warning label in English and Spanish. The label shall meet the following requirements:

- (1) The label shall be permanent so that such label cannot be removed, torn or defaced without the aid of tools or solvents.
- (2) The label shall be at least 7 inches in height, and 3 1/4 inches in width, or any larger size as the labeler may choose.
- (3) The label shall be centered on one side of the bucket just below the point where the handle is inserted.
- (4) The label shall have a border or other form of contrast around its edges to delineate it from any other information on the bucket.
- (5) The label shall bear (A) the signal word "WARNING" in both English and Spanish, in bold uppercase lettering, and (B) in upper and lower case lettering the words "Children Can Fall Into Bucket and Drown. Keep Children Away From Buckets With Even a Small Amount of Liquid.", with an equivalent Spanish translation in at least the same type size as English. The signal word panel shall be preceded by a safety alert symbol consisting of an exclamation mark in a triangle.
- (6) The label shall be clear and conspicuous and in contrasting colors.
- (7) The label shall include a picture of a child falling into a bucket containing liquid. An encircled slash symbol shall be superimposed over, and surround the pictorial. The picture shall be positioned between the signal word panel and the message panel.

(6) The label shall be clear and conspicuous and in contrasting colors.

(7) The label shall include a picture of a child falling into a bucket containing liquid. An encircled slash symbol shall be superimposed over, and surround the pictorial. The picture shall be positioned between the signal word panel and the message panel.

SEC. 302. CERTAIN BUCKETS NOT AFFECTED.

The standard established by section 301 applies only to buckets manufactured or imported on or after the effective date of such standard, and buckets manufactured or imported before such effective date may be sold without the warning label required by section 301 even though such sales occur after that date. The Consumer Product Safety Commission, by rule,

shall prohibit a manufacturer, filler, distributor, and retailer from stockpiling buckets to which consumer product safety standards established by section 301 of this title would have applied but for the preceding sentence. For purposes of this section, the term "stockpiling" shall have the same meaning as that provided by section 9(g)(2) of the Consumer Product Safety Act.

SEC. 303. PROHIBITED ACTS.

(a) **REMOVAL OF LABEL.**—Once placed on a plastic bucket pursuant to the standard provided by section 301, it shall be a prohibited act under section 19 of the Consumer Product Safety Act for any person in the chain of distribution of the bucket to intentionally cover, obstruct, tear, deface or remove the label.

(b) **CONSUMER PRODUCT SAFETY STANDARD.**—The standard established by section 301 of this title shall be considered a consumer product safety standard established under the Consumer Product Safety Act.

SEC. 304. EXISTING LABELS.

Notwithstanding section 301, any bucket label in use on September 1, 1993, may, if such label is substantially in conformance with the requirements of paragraphs (3), (4), (5), and (6) of section 301, continue to be placed on buckets until 12 months after the date of the enactment of this title. Notwithstanding the preceding sentence, buckets subject to the provisions of this section must bear both an English and Spanish language label on and after the effective date of the standard established by section 301.

SEC. 305. AMENDMENTS.

Section 553 of title 5, United States Code, shall apply with respect to the Consumer Product Safety Commission's issuance of any amendments or changes to the bucket labeling standard established by section 301 of this title. Sections 7 and 9 of the Consumer Product Safety Act shall not apply to such amendments or changes.

SEC. 306. RESPONSIBILITY FOR LABELING.

(a) **LABELING.**—The standard established by section 301 requires the labeling of buckets covered by such standard to be the responsibility of the manufacturer of any such buckets, unless otherwise specified by contract between the manufacturer, and either the filler, distributor, or retailer of such buckets. Under no circumstances shall any such bucket enter the stream of commerce without such label.

(b) **TIME FOR PLACING LABELS.**—The required label must be on the bucket at the time it is sold or delivered to the end user of the bucket or its contents or, in the case of a bucket intended to be sold to the public in an empty state, at the time it is shipped to a retailer for sale to the public.

SEC. 307. PERFORMANCE STANDARD.

(a) **PERFORMANCE STANDARD.**—Within 30 days following the date of enactment of this title, the Consumer Product Safety Commission shall commence a proceeding under the Consumer Product Safety Act for the issuance of a performance standard for buckets to address the drowning hazard associated with this product. Such standard shall take effect at such time as may be prescribed by the Consumer Product Safety Commission, but in no event later than 15 months following the date of the enactment of this title. The Consumer Product Safety Commission shall consider any American Society for Testing and Materials voluntary performance standard in existence prior to such date of enactment.

(b) **LABELING REQUIREMENTS.**—The labeling requirements under section 101 shall not apply to buckets certified by the Consumer Product Safety Commission as meeting the performance standard in subsection (a).

SEC. 308. CONSULTATION.

To avoid duplicative and conflicting labeling, the Consumer Product Safety Commission shall

complete a consultation with relevant Federal agencies within 30 days following the date of enactment of this Act.

SEC. 309. REQUIREMENT FOR COMMISSION STUDY.

(a) **STUDY.**—The Commission shall conduct a study to assess the frequency of deaths and injuries arising from drowning accidents in metal buckets, and the frequency and type of uses of 4-gallon to 6-gallon metal containers in the home, to determine whether special design and labeling standards are needed for such containers. The Commission shall report the results of the study to the Congress not later than one year after the date of enactment of this Act.

(b) **EXEMPTION.**—During the pendency of such study, metal containers which would otherwise be required to comply with the labeling requirements of section 301 are exempt from such requirements. Upon review of the results of the study, the Commission shall decide whether to continue this exemption, to require compliance

by metal containers, or to consider further study in the future.

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 965

In lieu of the matter inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This act may be cited as the "Child Safety Protection Act".

TITLE I—TOY LABELING REQUIREMENTS

SEC. 101. REQUIREMENTS FOR LABELING CERTAIN TOYS AND GAMES.

(a) **REQUIREMENT UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.**—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended by adding at the end the following new section:

"SEC. 24. REQUIREMENTS FOR LABELING CERTAIN TOY AND GAMES.

"(a) **TOYS OR GAMES FOR CHILDREN WHO ARE AT LEAST 3.—**

" ! WARNING:

**CHOKING HAZARD—Small parts.
Not for children under 3 yrs.**

"(b) **BALLOONS, SMALL BALLS, AND MARBLES.—**

"(1) **REQUIREMENT.**—In the case of any latex balloon, any ball with a diameter of 1.75 inches or less intended for children 3 years of age or older, any marble intended for children 3 years of age or older, or any toy or game which contains such a balloon, ball or marble, which is manufactured for

sale, offered for sale, or distributed in commerce in the United States—

"(A) the packaging of such balloon, ball, marble, toy, or game,

"(B) any descriptive material which accompanies such balloon, ball, marble, toy, or game, and

"(C) in the case of bulk sales of any such product when unpackaged, any bin, container for retail display, or vending machine

"(1) **REQUIREMENT.**—The packaging of any toy or game intended for used by children who are at least 3 years old but not older than 6 years (or such other upper age limit as the Commission may determine, which may not be less than 5 years old), any descriptive material which accompanies such toy or game, and, in the case of bulk sales of such toy or game when unpackaged, any bin, container for retail display, or vending machine from which the unpackaged toy or game is dispensed shall bear or contain the cautionary statement described in paragraph (2) if the toy or game—

"(A) is manufactured for sale, offered for sale, or distributed in commerce in the United States, and

"(B) includes a small part, as defined by the Commission.

"(2) **LABEL.**—The cautionary statement requirement by paragraph (1) for a toy or game shall be as follows:

from which such unpackaged balloon, ball, marble, toy, or game is dispensed.

shall bear or contain the cautionary statement described in paragraph (2).

"(2) **LABEL.**—The cautionary statement required under paragraph (1) for a balloon, ball, marble, toy, or game shall be as follows:

"(A) **BALLOONS.**—In the case of balloons, or toys or games that contain latex balloons, the following cautionary statement applies:

" ! WARNING:

CHOKING HAZARD—Children under 8 yrs. can choke or suffocate on uninflated or broken balloons. Adult supervision required.

**Keep uninflated balloons from children.
Discard broken balloons at once.**

"(B) **BALLS.**—In the case of balls, the following cautionary statement applies:

" ! WARNING:

**CHOKING HAZARD—This toy is a small ball.
Not for children under 3 yrs.**

"(C) **MARBLES.**—In the case of marbles, the following cautionary statement applies:

" ! WARNING:

**CHOKING HAZARD—This toy is a marble.
Not for children under 3 yrs.**

"(D) **TOYS AND GAMES.**—In the case of toys or games containing balls, the following cautionary statement applies:

**WARNING:**

**CHOKING HAZARD—Toy contains a small ball.
Not for children under 3 yrs.**

In the case of toys or games containing marbles, the following cautionary statement applies:

**WARNING:**

**CHOKING HAZARD—Toy contains a marble.
Not for children under 3 yrs.**

“(c) GENERAL LABELING REQUIREMENTS.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), any cautionary statement required under subsection (a) or (b) shall be—

“(A) displayed in its entirety on the principal display panel of the product's package, and on any descriptive material which accompanies the product, and, in the case of bulk sales of such product when unpackaged, on the bin, container for retail display of the product, and any vending machine from which the unpackaged product is dispensed, and

“(B) displayed in the English language in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such package, descriptive

materials, bin, container, and vending machine, and in a manner consistent with part 1500 of title 16, Code of Federal Regulations (or successor regulations thereto).

“(2) EXCEPTION FOR PRODUCTS MANUFACTURED OUTSIDE UNITED STATES.—In the case of a product manufactured outside the United States and directly shipped from the manufacturer to the consumer by United States mail or other delivery service, the accompanying material inside the package of the product may fail to bear the required statement if other accompanying material shipped with the product bears such statement.

“(3) SPECIAL RULES FOR CERTAIN PACKAGES.—(A) A cautionary statement required by subsection (a) or (b) may, in lieu of dis-

play on the principal display panel of the product's package, be displayed on another panel of the package if—

“(i) the package has a principal display panel of 15 square inches or less and the required statement is displayed in three or more languages; and

“(ii) the statement specified in subparagraph (B) is displayed on the principal display panel and is accompanied by an arrow or other indicator pointing toward a place on the package where the statement required by subsection (a) or (b) appears.

“(B)(i) In the case of a product to which subsection (a), subsection (b)(2)(B), subsection (b)(2)(C), or subsection (b)(2)(D) applies, the statement specified by this subparagraph is as follows:

**SAFETY WARNING**

“(ii) In the case of a product to which subsection (b)(2)(A) applies, the statement specified by this subparagraph is as follows:

**WARNING—CHOKING HAZARD**

“(d) TREATMENT AS MISBRANDED HAZARDOUS SUBSTANCE.—A balloon, ball, marble, toy, or game, that is not in compliance with the requirements of this section shall be considered a misbranded hazardous substance under section 2(p).”

(b) OTHER SMALL BALLS.—A small ball—

(1) intended for children under the age of 3 years of age, and

(2) with a diameter of 1.75 inches or less, shall be considered a banned hazardous substance under section 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)).

(c) REGULATIONS.—The Consumer Product Safety Commission (hereinafter referred to as the “Commission”) shall promulgate regulations, under section 553 of title 5, United States Code, for the implementation of this section and section 24 of the Federal Hazardous Substances Act by July 1, 1994, or the date that is 6 months after the date of enactment of this Act, whichever occurs first. Subsections (f) through (i) of section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) shall not apply with respect to the issuance of regulations under this subsection.

(d) EFFECTIVE DATE: APPLICABILITY.—Subsections (a) and (b) shall take effect January 1, 1995, and section 24 of the Federal Hazardous Substances Act shall apply only to prod-

ucts entered into commerce on or after January 1, 1995.

(e) PREEMPTION.—

(1) IN GENERAL.—Subject to paragraph (2), a State or political subdivision of a State may not establish or enforce a requirement relating to cautionary labeling of small parts hazards or choking hazards in any toy, game, marble, small ball, or balloon intended or suitable for use by children unless such requirement is identical to a requirement established by amendments made by this section to the Federal Hazardous Substances Act or by regulations promulgated by the Commission.

(2) EXCEPTION.—A State or political subdivision of a State may, until January 1, 1995, enforce a requirement described in paragraph (1) if such requirement was in effect on October 2, 1993.

SEC. 102. REPORTING REQUIREMENTS.

(a) REPORTS TO CONSUMER PRODUCT SAFETY COMMISSION.—

(1) REQUIREMENT TO REPORT.—Each manufacturer, distributor, retailer, and importer of a marble, small ball, or latex balloon, or a toy or game that contains a marble, small ball, latex balloon, or other small part, shall report to the Commission any information obtained by such manufacturer, distributor,

retailer, or importer which reasonably supports the conclusion that—

(A) an incident occurred in which a child (regardless of age) choked on such a marble, small ball, or latex balloon or on a marble, small ball, latex balloon, or other small part contained in such toy or game; and

(B) as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.

(2) TREATMENT UNDER CPSA.—For purposes of section 19(a)(3) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(3)), the requirement to report information under this subsection is deemed to be a requirement under such Act.

(3) EFFECT ON LIABILITY.—A report by a manufacturer, distributor, retailer, or importer under paragraph (1) shall not be interpreted, for any purpose, as an admission of liability or of the truth of the information contained in the report.

(b) CONFIDENTIALITY PROTECTIONS.—The confidentiality protections of section 6(b) of the Consumer Product Safety Act (15 U.S.C. 2055(b)) apply to any information reported to the Commission under subsection (a) of this section. For purposes of section 6(b)(5) of such Act, information so reported shall be

treated as information submitted pursuant to section 15(b) of such Act respecting a consumer product.

TITLE II—CHILDREN'S BICYCLE HELMET SAFETY

SEC. 201. SHORT TITLE.

This title may be cited as the "Children's Bicycle Helmet Safety Act of 1993".

SEC. 202. STANDARDS.

(a) IN GENERAL.—Bicycle helmets manufactured 9 months or more after the date of the enactment of this Act shall conform to—

(1) any interim standard described under subsection (b), pending the establishment of a final standard pursuant to subsection (c); and

(2) the final standard, once it has been established under subsection (c).

(b) INTERIM STANDARDS.—The interim standards are as follows:

(1) The American National Standards Institute standard designated as "Z90.4-1984".

(2) The Snell Memorial Foundation standard designated as "B-90".

(3) The American Society for Testing and Materials (ASTM) standard designated as "F 1447".

(4) Any other standard that the Commission determines is appropriate.

(c) FINAL STANDARD.—Not later than 60 days after the date of the enactment of this Act, the Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(1) review the requirements of the interim standards set forth in subsection (a) and establish a final standard based on such requirements;

(2) include in the final standard a provision to protect against the risk of helmets coming off the heads of bicycle riders;

(3) include in the final standard provisions that address the risk of injury to children; and

(4) include additional provisions as appropriate.

Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to the proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding. The final standard shall take effect 1 year from the date it is issued.

(d) FAILURE TO MEET STANDARDS.—

(1) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, a bicycle helmet that does not conform to an interim standard as required under subsection (a)(1) shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(2) STATUS OF FINAL STANDARD.—The final standard developed under subsection (c) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

Mrs. COLLINS of Illinois (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment and the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. STEARNS. Mr. Chairman, reserving the right to object, while I do not intend to object, I take this reservation for the purpose of asking the gentleman from Illinois to explain

what is in the amendment, and I yield to the gentleman for an explanation.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me. Last March, the House passed H.R. 965, the toy safety bill, by an overwhelming majority under suspension of the rules. The bill included provisions regarding toy labeling and performance standards for bicycle helmets.

In November, the Senate amended the House bill with a substitute. The Senate amendment made some revisions in the toy labeling provisions in consultation with the House. These changes included special labeling rules for smaller toy packages, a specific preemption provision, and certain reporting provisions. The bicycle helmet standard provisions were basically unchanged in the Senate amendment.

The Senate amendment also added two new provisions, one requiring the establishment of labeling and performance standards for 5-gallon buckets, and one establishing a program of grants to States and nonprofit groups, under the National Highway Traffic Safety Administration, to encourage children to wear bicycle helmets. The bucket provisions were originally based on a consensus, but have turned out to be somewhat controversial. The bicycle helmet grant provisions are under the jurisdiction of the Committee on Public Works and Transportation, and some members of that committee have expressed concerns.

Accordingly, because of the controversy over these two provisions, the House amendment to the Senate amendment would delete the bucket provisions and the bicycle helmet grant provisions, while maintaining the toy labeling and bicycle helmet standard provisions as passed by the Senate. Let me emphasize that I personally support the two provisions we are dropping, and am hopeful they can be otherwise addressed in this Congress. However, it is necessary to drop these provisions to facilitate passage of the overall legislation. Let me also emphasize that this bill is strongly supported by both consumer and public safety groups and the Toy Manufacturers of America. I also want to thank my colleague from Florida, who is the ranking minority member of our subcommittee, for his valuable input on this bill.

As I indicated, the Senate added a specific preemption provision to the toy labeling section of the bill. This preemption provision differs from the preemption provision of general application contained in section 18 of the Federal Hazardous Substances Act [FHSA]. This provision is intended to address the unique circumstances of a particular case and is not intended to set any precedent for future legislation, nor to imply that the established FHSA preemption provision is somehow inadequate.

The preemption provision which is invoked when a labeling requirement is established under the FHSA provides that if a hazardous substance or its packaging is subject to a cautionary labeling requirement designed to protect against a risk of illness or injury associated with the substance, no State or political subdivision thereof may establish or continue in effect a cautionary labeling requirement applicable to such substance or packaging and designed to protect against the same risk of illness or injury unless such cautionary labeling requirement is identical to the requirement under the FHSA. A similar preemption provision is invoked when a banning requirement is established under the FHSA. There are three exceptions. First, the Federal Government and the government of any State or political subdivision may establish and continue in effect more stringent requirements for their own procurement purposes. Second, a State or political subdivision may apply to the Consumer Product Safety Commission [CPSC] to be exempted from preemption under certain conditions. Finally, States and political subdivisions may establish and continue in effect more stringent requirements applicable to fireworks.

The unique situation being addressed by the preemption provision in this bill is the litigation involving a toy labeling law, applicable to toys with small parts intended for children between 3 and 7, enacted in Connecticut in 1992. The Toy Manufacturers of America [TMA] challenged this State legislation on the ground that it was preempted by existing CPSC regulations issued under the FHSA, banning toys with small parts intended for children under 3.

The Second Circuit Court of Appeals, in *Toy Manufacturers of America versus Blumenthal* (1993), ruled that the Connecticut toy labeling law was not preempted by the existing CPSC regulations. Among other grounds for its decision, the court pointed out that, under the existing FHSA preemption provision, preemption applied only when a State regulates the same substance which is regulated under the FHSA. The court determined that, since the existing CPSC regulations applied to toys with small parts intended for children under 3, and the Connecticut law applied to toys with small parts intended for children between 3 and 7, therefore the substance being regulated under the two regulatory regimes was not the same and preemption did not apply.

The subject legislation requires labeling of certain toys and games intended for use by children who are at least 3 but not older than 6—or such other upper age limit as the CPSC may determine, but not less than 5). As a result, TMA believes that there is a possibility, based on the precedent estab-

lished by the second circuit, that a State would not be preempted by the existing FHSA preemption provision from enacting toy labeling legislation for toys intended for children older than the age levels covered by this legislation. Therefore, this legislation includes a special-purpose preemption provision in order to ensure that this legislation is interpreted as being preemptive of nonidentical State requirements—and those of political subdivisions thereof—relating to cautionary labeling of small parts hazards or choking hazards in any toy, game, marble, small ball, or balloon intended or suitable for use by children, and specifically including such labeling requirements for toys intended for older children than covered by this legislation.

□ 1800

Mr. STEARNS. Mr. Speaker, the minority has reviewed the gentlewoman's amendment, and since it substantially restores H.R. 965 to the form originally passed by the House early last session, we have no objection.

Further, it is my understanding that our Republican colleagues on the Committee on Public Works and Transportation also have no objection to this amendment.

Mr. Speaker, therefore, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentlewoman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. COLLINS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 965.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

COMMUNICATION FROM THE HONORABLE NEWT GINGRICH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable NEWT GINGRICH, Member of Congress:

CONGRESS OF THE UNITED STATES,

House of Representatives, March 7, 1994.

Hon. THOMAS FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In accordance with House Rule 50, I respectfully notify you of my receipt of a witness subpoena from the Superior Court of Cobb County, Georgia.

After consultation with the General Counsel to the House, I have determined that compliance is not consistent with the privileges and precedents of the House.

Sincerely,

NEWT GINGRICH.

EXTENDING WAIVER OF APPLICATION OF EXPORT CRITERIA OF ATOMIC ENERGY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-217)

The SPEAKER pro tempore (Mr. STRICKLAND) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

The United States has been engaged in nuclear cooperation with the European Community (now European Union) for many years. This cooperation was initiated under agreements that were concluded over three decades ago between the United States and the European Atomic Energy Community [EURATOM] and that extend until December 31, 1995. Since the inception of this cooperation, EURATOM has adhered to all its obligations under those agreements.

The Nuclear Non-Proliferation Act of 1978 amended the Atomic Energy Act of 1954 to establish new nuclear export criteria, including a requirement that the United States have a right to consent to the reprocessing of fuel exported from the United States. Our present agreements for cooperation with EURATOM do not contain such a right. To avoid disrupting cooperation with EURATOM, a provision was included in the law to enable continued cooperation until March 10, 1980, if EURATOM agreed to negotiations concerning our cooperation agreements. EURATOM agreed in 1978 to such negotiations.

The law also provides that nuclear cooperation with EURATOM can be extended on an annual basis after March 10, 1980, upon determination by the President that failure to cooperate would be seriously prejudicial to the achievement of U.S. non-proliferation objectives or otherwise jeopardize the common defense and security, and after notification to the Congress. President Carter made such a determination 14 years ago and signed Executive Order No. 12193, permitting nuclear cooperation with EURATOM to continue until March 10, 1981. President Reagan made such determinations in 1981, 1982, 1983, 1984, 1985, 1986, 1987, and 1988, and signed Executive Orders Nos. 12295, 12351, 12409, 12463, 12506, 12554, 12587, and 12629 permitting nuclear cooperation to continue through March 10, 1989. President Bush made

such determinations in 1989, 1990, 1991, and 1992, and signed Executive Orders Nos. 12670, 12706, 12753, and 12791 permitting nuclear cooperation to continue through March 10, 1993. Last year I signed Executive Order No. 12840 to extend cooperation for an additional year, until March 10, 1994.

In addition to numerous informal contacts, the United States has engaged in frequent talks with EURATOM regarding the renegotiation of the U.S.-EURATOM agreements for cooperation. Talks were conducted in November 1978, September 1979, April 1980, January 1982, November 1983, March 1984, May, September, and November 1985, April and July 1986, September 1987, September and November 1988, July and December 1989, February, April, October, and December 1990, and September 1991. Formal negotiations on a new agreement were held in April, September, and December 1992, and in March, July, and October 1993. They are expected to continue this year.

I believe that it is essential that cooperation between the United States and EURATOM continue, and likewise, that we work closely with our allies to counter the threat of proliferation of nuclear explosives. Not only would a disruption of nuclear cooperation with EURATOM eliminate any chance of progress in our talks with that organization related to our agreements, it would also cause serious problems in our overall relationships. Accordingly, I have determined that failure to continue peaceful nuclear cooperation with EURATOM would be seriously prejudicial to the achievement of U.S. nonproliferation objectives and would jeopardize the common defense and security of the United States. I therefore intend to sign an Executive order to extend the waiver of the application of the relevant export criterion of the Atomic Energy Act for an additional 12 months from March 10, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 9, 1994.

□ 1810

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. STRICKLAND). Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REDUCTION IN REGULATORY CONTROL OF FEDERAL RESERVE BOARD IS SUBJECT TO PROPOSED LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, for the past 2 weeks, many of you have lis-

tened to me describe the conflicts of interest, incestuous regulatory relationship and lack of accountability taking place at the Federal Reserve.

One brave person, knowing of the work I have been doing on the FED, has approached me with chilling details about unethical conduct taking place at the Federal Reserve. This person is a former Federal Reserve bank examiner who has volunteered to expose gross unethical conduct in the Federal Reserve examination process. The situation had gotten so bad that the examiner decided to quit working at the FED rather than stomach the unethical behavior.

This is a very serious situation which, if system-wide, raises serious questions about the Federal Reserve commitment to enforcing the Community Reinvestment Act and policing for bias in lending practices.

The examiner said a team of bank examiners documented evidence of violations of the Community Reinvestment Act and bias in lending. The examiner's original report was critical of lending to low-income and minority populations and had noted discriminatory remarks from bank employees about redlining.

The supervisors then replaced the criticisms with contrived examples of the bank's eagerness to comply with consumer lending laws. I have asked the Federal Reserve inspector general to ensure that no retaliatory actions are taken against examiners who have reported unethical behavior.

I believe the Federal Reserve keeps many bankers in line to oppose any plan to modernize and consolidate Federal banking regulation, by threatening these bankers with the loss of their friendly Fed bank examination process. These banks would not want to be at the mercy of only bank examiners like those at the Office of the Comptroller of the Currency [OCC], an agency that is independent of the banking industry. The FED, horrified at the thought of losing its turf, has dispatched its banker benefactors to lobby the Congress against the administration's plan to consolidate the Federal bank regulatory agencies into a single, independent regulator, and against my legislation, H.R. 1214, which is essentially similar.

At the November 9, 1993, Banking Committee hearings I asked Christopher Drogoul, the convicted official of the Banca Nazionale Del Lavoro agency branch in Atlanta, GA, how the Federal Reserve Bank examiners could miss billions of dollars of illegal loans, most of which ended up in the hands of Saddam Hussein. Mr. Drogoul stated:

The task of the Fed [bank examiner] was simply to confirm that the State of Georgia audit revealed no major problems. And thus, their audit of BNL usually consisted of a one- or two-day review of the State of Georgia's preliminary results, followed by a cup of espresso in the manager's office.

The Federal Reserve bank examiner's friendly chat and cup of espresso in the manager's office at BNL is symbolic of a collegial atmosphere that may very well get in the way of proper supervision and regulation.

I have told you about the officials of the Federal Reserve Bank of New York regularly dining at expensive restaurants as guests of the banks they regulate. This week the ethics officer of the New York Federal Reserve Bank informed the Banking Committee that New York Federal Reserve Bank officials are still accepting meals paid for by the regulated banks, despite the fact that accepting these expensive meals would be illegal for executive branch Government employees. When questioned about this practice, the ethics officer told the Banking Committee, "Since the Stone Age, men have been trading information over fires." The point is that the Federal Reserve refuses to subject itself to reasonable ethical standards. This further illustrates that the Federal Reserve is tone deaf to the notion of maintaining a proper arms-length relationship between regulator and regulatee.

My colleagues, is this the kind of bank regulatory agency you want to maintain? Federal Reserve banking regulation is broken and does need fixing.

NATURAL RESOURCES AND WILDERNESS IN THE STATE OF IDAHO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. LaROCCO] is recognized for 5 minutes.

Mr. LaROCCO. Mr. Speaker, I have taken a special order tonight to talk about an issue that is very, very important to my district and the State of Idaho, and that is natural resources and wilderness. I have taken this special order because I would like to talk a little bit to my colleagues who are very interested in natural resources out in the Rocky Mountain region and particularly my State of Idaho.

Let me tell my colleagues that I have introduced a wilderness bill, and we are going to have a hearing on that bill next week in the Public Lands Subcommittee here that would designate 1.3 million acres of wilderness in my district out of about 4 million acres of roadless lands. I also want to talk about efforts to lock up, in my terminology, every acre of roadless lands in the State of Idaho.

There is a proposal before this House that has actually 48 cosponsors called the Northern Rockies Ecosystem Protection Act which would take very acre of roadless lands in my district in the State of Idaho, and in Wyoming and Montana, and put it into wilderness. I think that effort is excessive. I think it is radical, and I think it is way out of whack, and out of balance.

I have introduced a bill that would counteract that. Actually I have written a bill. I have drafted a bill. But I am not going to formally introduce it.

If I really wanted to have equity and parity between my district, say, and the sponsor of the Northern Rockies Ecosystem Protection Act, it would go something like this: It would be a bill that would say to designate certain lands of the 14th Congressional District of the State of New York as wilderness and for other purposes, be it enacted by the Senate and the House of Representatives of the United States of America and Congress assembled that this act may be cited as the Wilderness Equity Act of 1994, and, Mr. Speaker, what this would do, if I were serious about it, not really talking tongue-in-cheek, is that it would have the same amount of wilderness in Manhattan and Central Park as I have in my district if the Northern Rockies Ecosystem Protection Act were to be successful and pass, and that would amount to about 6 million acres.

I do not know if Central Park ought to be wilderness, but what I do know is that not every acre of roadless lands in the State of Idaho ought to be wilderness. What I am saying to my colleagues is that the people of Idaho can best decide, working hard, looking at these Federal lands as components of the National Forest System, can actually make the right decisions, make it in a balanced way for the good of the country and for the good of our economy and the way of life out in Idaho.

I want to say that I take a balanced approach to this project and this issue of natural resources. I have gotten high marks from conservation groups. I have also gotten high marks from people who work in the woods. I want to take a balanced approach to this.

I want to say to my colleagues that I am working hard to make sure we have that balance, and in my district, for example, Mr. Speaker, the largest wilderness in the lower 48 States exists in my district, the Frank Church River of No Return Wilderness. It is a great treasure for the Nation, a great treasure of Idahoans, a great treasure for science, a great place for habitat, species, biodiversity. We need more wilderness. That is why I put my bill in.

What I am saying to my colleagues from New York, and particularly the sponsor of this bill, is let us have a shot at coming up with a reasonable proposal out there. And I will not introduce my bill to make Central Park and Manhattan wilderness. I have drafted it, and because I can offer extraneous materials here in the special orders, I want to make it part of the RECORD so people will understand what I am talking about when I say that I want to work hard on these issues in my own district.

I have almost 4 million acres of roadless lands out there in Idaho, and

my bill would protect 1.3 million acres of it. It does not take all of it. That would be unbalanced. That would be radical. That would be extreme. It also would be extreme if I took this bill and actually introduced it in Congress and told the people of Manhattan and Central Park that I want to stop motorized traffic, I want to stop economic activities in that part of the world.

□ 1820

I will not do that. But I sure want to work hard on these issues. So, tongue in cheek, I drafted the Wilderness Equity Act of 1994, and I am going to make it part of this special order. Then I am going to carry on, I am going to roll up my sleeves, and I am going to work hard as a member of the Committee on Natural Resources, a very important committee to my constituency and the people of Idaho.

In closing, Mr. Speaker, the people of Idaho recreate on the public lands, we work on the public lands, we derive economic benefit, but we also recognize that that clean water, those trees, those ecosystems are part of the laboratories for the United States of America. We hope to preserve and protect those and manage the ecosystem correctly. I just want the opportunity to represent my constituents out there in the State of Idaho, do it right and do it in a balanced way. If people from outside our State want to have a hand in it, I hope they will come to me and talk to me about it.

So, with that, I will close out this special order, I will not introduce the Wilderness Equity Act of 1994, putting Central Park in Manhattan into wilderness, but I just want to make the message that we in Idaho can make these decisions ourselves in a balanced way.

I also want to send a message to my constituents that if we do not roll up our sleeves and come up with the right solutions, too, for America and for our neighbors in Idaho, somebody outside the Rocky Mountain region is going to do it because I know of a bill that has 48 cosponsors with people outside of my district who want to make those decisions for us.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wilderness Equity Act of 1994".

SEC. 2. FINDINGS.

Congress finds the following:

(1) There is a severe imbalance in the designation of wilderness among the various States and Congressional Districts.

(2) For example, whereas the State of Idaho possesses 5 components of the National Wilderness Preservation System which total approximately 3.97 million acres, the State of New York is devoid of any federal land designated as wilderness.

(3) More specifically, whereas the 1st Congressional District of Idaho has 4 components of wilderness totalling 2.81 million acres, the 14th Congressional District of New

York has no components, and not a single acre, designated as wilderness.

(4) Legislation introduced in the House of Representatives (H.R. 2638, entitled the "Northern Rockies Ecosystem Protection Act of 1993") would designate an additional 91 and 58 components and 7.64 million and 3.59 million acres of wilderness in the State of Idaho and its 1st Congressional District, respectively, while failing to designate any wilderness components or acreage in the State of New York and its 14th Congressional District.

(5) This critical lack of wilderness in some States and Congressional Districts deprives the citizens of those States and Districts of the recreational, wildlife, ecosystem, spiritual, and aesthetic benefits which such land designation provides.

(6) It is, therefore, in the public interest to remedy this unfortunate, severe imbalance in wilderness and to designate new components of the National Wilderness Preservation System in those States and Congressional Districts presently deprived thereof.

(7) To determine the capability for, and expose any impediments to, fulfillment of this goal, the Congress should make an initial selection of one wilderness-deprived Congressional District and designate wilderness therein to match the wilderness designated and proposed for designation in a wilderness-rich Congressional District.

SEC. 3. WILDERNESS DESIGNATION.

(a) In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136) and to provide parity with the wilderness designated and proposed for designation in the 1st Congressional District of Idaho, there are hereby designated 6.4 million acres, or less acres if required by subsection (b)(2) of this section, in the 14th Congressional District of New York as a component of the National Wilderness Preservation System.

(b)(1) Should the 6.4 million acres designated by subsection (a) of this section be less than the total acreage of the 14th Congressional District, the boundaries of the wilderness component shall be established by the Secretary of Agriculture by drawing a line from the western to the eastern boundary of the District such that the entire 6.4 million acres are enclosed within the boundaries of the District north of such line.

(2) Should the 6.4 million acres designated by subsection (a) of this section be greater than the total acreage of the 14th Congressional District, the entire District shall comprise the wilderness component.

SEC. 4. WILDERNESS MANAGEMENT.

(a) The area designated as wilderness by section 3 shall be administered by the Secretary of Agriculture in accordance with the applicable provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act or any similar reference shall be deemed to be a reference to the date of enactment of this Act.

(b)(1) Except as necessary to meet minimum requirements in connection with the purposes for which the area designated as wilderness by section 3 is administered (including measures required in emergencies involving the health and safety of persons within the area), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of motorized transport, and no structure or installation within such area.

(2) The State of New York shall use monies apportioned to it from the Highway Trust

Fund (26 U.S.C. 9503) to remove, recontour, and revegetate all roads within the boundaries of the area designated as wilderness by section 3. All such roads shall be removed within 3 years of the date of enactment of this Act.

(c)(1) Any and all claims for the taking of property in contravention of the compensation requirement of the Fifth Amendment to the United States Constitution shall be brought in the United States Court of Federal Claims pursuant to the Tucker Act, 28 U.S.C. §1491.

(2) Any person who takes any action after March 3, 1994 that adversely affects the wilderness characteristics of the area designated as wilderness by section 3 shall not be entitled to compensation pursuant to clause (1) of this subsection.

SEC. 5. WILDLAND RECOVERY SYSTEM.

(a) In recognition of the fact that certain lands within the area designated as wilderness, and any other areas of the 14th Congressional District of New York if any, not designated as wilderness, by section 3 have been damaged by unwise resource extraction and development activities and practices, and where the productive potential of the lands and waters of those areas has been reduced by development activities, there is hereby established the National Wildland Restoration and Recovery System (hereinafter in this section referred to as the "Recovery System").

(b) Recovery System lands shall be managed so as to restore their vegetative cover and species diversity, stabilize slopes and soils so as to prevent or reduce further erosion, recontour slopes to their original contours, remove barriers to natural fish spawning runs, and generally restore, as much as possible, such lands to their natural condition as existed prior to their entry and development.

(c) The area designated as wilderness, and other areas of the 14th Congressional District of New York, if any, not designated as wilderness, by section 3 shall be components of the Recovery System.

(d) The Secretary of Agriculture shall be responsible for the development of wildland recovery plans for components of the Recovery System, which plans shall detail necessary work and funding requirements needed to implement management direction established under subsection (b) of this Section.

SEC. 6. NATIVE AMERICAN USES.

(a) In recognition of the past use by Native Americans for traditional cultural and religious purposes of portions of the areas designated as components of the National Wilderness Preservation System and National Wildland Recovery and Restoration System by sections 3 and 5, the Secretary of Agriculture shall assure nonexclusive access to those areas by native people for such traditional cultural and religious purposes. Such access shall be consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (42 U.S.C. 1996). The Secretary, in accordance with such Act, upon request of an Indian tribe, may from time-to-time temporarily close to the general public use of one or more specific portions of those areas in order to protect the privacy of religious activities and cultural uses in such portion by an Indian people. In preparation of the general management plans, the Secretary shall request that the chief executive officers of appropriate Indian tribes make recommendations on assuring access to important sites, enhancing the privacy of traditional cultural and religious

activities, and protective cultural and religious sites.

(b) The Secretary of Agriculture shall enter into cooperative management agreements with the appropriate Indian tribes to assure protection of religious, burial, and gathering sites, and shall work cooperatively on the management of all uses that impact Indian lands and people in the areas designated by sections 3 and 5.

SEC. 7. WILDERNESS RELEASE.

All other areas of the 14th Congressional District of New York, if any, not designated as wilderness by section 3 need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during the next study of their wilderness suitability, which shall be conducted by the Secretary of Agriculture not later than fifteen years, or earlier than ten years, from the date of enactment of this Act.

SUPPORTING A BIPARTISAN SOLUTION TO THE HEALTH CARE REFORM ISSUE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker and Members, today I have issued a letter to the entire leadership of the Congress on both sides of the Capitol to urge them to begin now to fashion a bipartisan solution to the health care issue. There are absolutely big pieces of evidence to the effect that the Clinton administration program is in a shambles. It is also true that the Republican plan on the Senate side and the Republican plan on the House side do not have enough votes to pass. The individual plans that individual Members of Congress have introduced over the last year or so are lacking in total support. The Cooper plan here and the McDermott plan there, I myself have introduced a plan, and there are dozens of others who have introduced bills to bring about change and reform in health care.

But what do we do? If indeed we cannot find 218 votes for any single bill, is it not time to regroup and to produce a bipartisan plan? After all, there are pieces of my bill, for instance, that will fit handsomely in a bipartisan bill, like for instance, malpractice reform, raising the level of Medicaid to bring in more of the working poor and of the uninsured, joining up Medicare A and Medicare B for administrative purposes to save overlapping and the costs that go with it, and so on with every other kind of introduction that has been made of separate bills over the last 2 years.

But here we have a chance to amalgamate the best thinking of all these bills in those issues which have a common denominator. Are we not all interested in removing preexisting conditions from insurance forms and insurance claims? Are we not interested in creating portability for any insurance

plan to carry over from one job to another or from a job to no job? Are we not interested in making sure that every person in our country has access to health care?

Well, all of these can be put into a bill where we find these common denominators and create a consensus.

Do we have evidence of this occurring, that this is possible? All we need to do is we should look back just a few months to the passage of NAFTA. That was a bipartisan effort.

NAFTA brought together different coalitions, created new partnerships among old enemies, and, unfortunately, created new enemies out of old friends in the making; but nevertheless a NAFTA package was produced, bipartisan.

What we have to do in health care is create a HAFTA, H-A-F-T-A, to do a bipartisan HAFTA-type thing, with HAFTA meaning Health Action for Today's America, HAFTA; we have to do something about health care.

We cannot do it on the individual plans introduced. No one plan will be able to garner 218 votes here in the House. So do we not have to "hafta," move to a bipartisan situation? My plan or the movement that I want to start here today, HAFTA, can do exactly that. That is what I have asked the leadership to do, to now call a halt to all the bickering about health care issues, bring the leadership together, put the best foot forward from every single plan, focus them down to a workable plan, and pass HAFTA because we "hafta."

HEALTH REFORM SHOULD COVER MENTAL ILLNESS, SUBSTANCE ABUSE

The SPEAKER pro tempore (Mr. STRICKLAND). Under the Speaker's announced policy of February 11, 1994, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes, as the majority whip.

Mr. BONIOR. Mr. Speaker, over the past few days, this Capitol has been witness to an extraordinary display of bipartisan spirit.

A display of bipartisan spirit exactly like the one we're going to need in order to pass health care reform.

But unfortunately, Mr. Speaker, this bipartisanship didn't happen on the floor of the House or the floor of the Senate and it hasn't happened yet in the committee chambers—although we're moving in that direction.

This display of bipartisan spirit came from two unlikely sources.

Over the past 2 days, two extraordinary women—former First Ladies Betty Ford and Rosalynn Carter—one Republican and one Democrat—have been working together on Capitol Hill to bring attention to two often-ignored issues.

Two issues that affect the lives of more Americans than cancer, diabetes, heart disease, and arthritis—and is just as costly.

Those two issues are mental illness and substance abuse treatment.

Over the past few days, Mrs. Ford and Mrs. Carter have been meeting with Congressional committees, sending letters and speaking out, to make the case that unless mental health and substance abuse treatment are covered by health care reform in the same way as physical health problems—we will never get health care costs under control.

Mr. Speaker, the very fact that these two issues are even on the table are a tribute to Mrs. Ford and Mrs. Carter, because their pioneering work on these issues is responsible for much of the progress we've seen so far.

They have both worked closely with Tipper Gore toward the goal of developing a strong mental health and substance abuse benefit in the President's health care reform bill.

And indeed, the President's health care bill does cover mental health and substance abuse treatment. And in the days to come, the extent to which those two issues are covered will be the subject of debate on this floor and around Capitol Hill.

But I would like to take a moment to talk about these issues.

Mr. Speaker, it has been said that severe mental illnesses may not have telethons, poster children, or rock-star benefits but they are disabilities, and illnesses—just like any other.

And they deserve to be treated the same.

A recent study by the University of Michigan found that about three out of every 10 Americans suffer from depression or other forms of mental illness each year.

Throughout the course of our lives, nearly half of all Americans will experience at least one episode of a serious emotional problem.

Yet, two out of three people who need treatment don't get it—either because they can't afford to, or no treatment center is available to them.

Twelve percent of our children suffer from emotional and mental illnesses, yet here too, two out of every three children who need treatment don't get it.

Substance abuse is a problem for an estimated 11 million Americans—yet only a fourth of them have access to treatment. There are waiting lists a mile long around this country of people who want to get into treatment programs but can't or can't afford to, even if they can get into a program.

As a result, many drug users are at great risk of contracting AIDS, tuberculosis, or other infectious diseases.

Mr. Speaker, this problem affects all of us.

Substance abuse and mental illness take an enormous toll on American society.

The breakdown of families, violence in our communities, and homelessness on the streets are just some of the problems.

The truth is, we all pay. We pay billions to treat sickness and illness that could have been prevented, or treated earlier, for much less cost.

Major depression is second only to cardiovascular disease as a cause of missed work days and lost productivity. When an employee suffering from depression stays home from work, he or she pays the human cost—we pay the financial one.

When a father suffering from alcoholism can't give guidance to his children, can't hold a job, can't get health insurance, and ends up in intensive care because he drinks and drives—or worse, puts somebody else in the hospital—they pay the human cost, we pay the financial one.

And when a person suffering from schizophrenia is left to wander the streets—like so many do—and ends up in prison for committing a crime, or ends up on welfare, that person pays the human cost—we pay the financial one.

It has been estimated that directly and indirectly, mental illness and substance abuse cost this Nation over \$300 billion in 1990.

In the workplace alone, the economic costs of drug and alcohol abuse exceed \$150 billion a year.

The American Medical Association estimates that alcohol and drug dependence is responsible for 40 percent of all hospitalizations and one fifth of all Medicaid expenses and it's the most expensive kind of treatment, because it usually begins in the emergency room.

Mr. Speaker, this problem affects us all. We can ignore the problem, but it's not going to go away—it's going to fester and grow.

Unless we do something to rein in these costs, to solve this problem, we'll never get our health care system under control.

Don't just take my word for it, Mr. Speaker. The American people feel the same way.

A national poll released 2 days found that 62 percent of Americans believe that mental health and substance abuse treatment must be part of comprehensive health care reform.

And a recent Gallup Poll indicated that over 70 percent of Americans believe that alcohol and drug dependence is a disease that should be treated in a hospital or health care institution.

As former Iowa Senator Harold Hughes, who himself is a recovering alcoholic, pointed out in a hearing yesterday, for centuries, there was no treatment, no help, nowhere for people who suffered from mental illness or substance abuse to turn.

Tens of thousands of people have rotted in jails, prisons, insane asylums, and in streets because of neglect.

Millions more have been turned down for jobs, turned away from housing, turned out from insurance companies, and denied the opportunity to rebuild their lives in the community.

And it still happens. But not because we don't know any better.

We know what works. We know what kind of treatment works.

Research has made it clear, for example, that many major mental illnesses are related to chemical or structural problems of the brain. They are just like physical illnesses.

We know that many suicides, homicides, and accidents—the leading causes of death in adolescents—can be prevented with proper treatment.

With treatment, for example, the success rate for treatment of schizophrenia, when done right, is 60 percent. For panic disorders, it's 80 percent. For manic-depressive illness, it's also 80 percent.

Compare that to the success rate for angioplasty—which is 41 percent.

Companies are finding more and more that when they address mental illness and substance abuse rather than ignoring it—they get results.

McDonnell Douglas is a good example.

In 1989, McDonnell Douglas introduced a managed mental health employee assistance plan. Their plan focused on each individual patient, on a case-by-case basis, and managed long-term care.

During the first year, they reduced their per capita cost by 34 percent. Psychiatric inpatient costs decreased by 50 percent and chemical dependency costs dropped 29 percent.

And overall, employee absenteeism is lower and turnover rates were reduced.

These results have been repeated time and time again at companies like Federal Express, Digital, Honeywell, and First National Bank of Chicago—all of them have success stories.

All of them have taken the time to treat mental illness and substance abuse just like any other physical illness to make prevention and treatment a priority and in doing so, they've not only saved money, they've saved lives.

Mr. Speaker, I agree with former First Ladies Betty Ford and Rosalynn Carter, who have done such a good job to raise awareness on these issues.

The current debate over health care reform offers us an unprecedented opportunity to improve the lives of millions of Americans.

Every single year, substance abuse and mental illness cost our society more than cancer, lung disease, or heart disease. No one argues that we should not treat those diseases, or that we should treat them partially.

And no one can argue that mental illness and substance abuse treatment should be left off the table again.

We can't afford to treat either one as second-class illnesses any longer. Alco-

hol and drug abuse and mental illness must be treated just like any other physical illness.

And later this year, when we pass legislation providing all Americans with guaranteed private health insurance that can never be taken away they must be an equal part of the final package.

□ 1840

REPUBLICAN BUDGET PROPOSALS

The SPEAKER pro tempore. (Mr. STRICKLAND). Under the Speaker's announced policy of February 11, 1994, the gentleman from Ohio [Mr. KASICH], is recognized for 60 minutes as the designee of the minority leader.

Mr. KASICH. Mr. Speaker, I just wanted to take this special order tonight to work with some of my colleagues to talk about a very exciting proposal that the Congress is going to begin debating tomorrow. This proposal is the House Republican budget alternative proposal to the President's budget. I want to spend a little bit of time talking about this, and I hope that some of my colleagues will be joining me to discuss the budget. But in a nutshell, I wanted to kind of go through the process of what House Republicans did to put this budget together.

Mr. Speaker, you might all remember that back last February the President came to Capitol Hill and he said that if you do not like my tax and spend proposal, and he looked over at the Republicans, he said, well then show me your specifics.

You might remember that the House Republican Committee on the budget sat down and we broke down into working groups on the activities of the Federal Government, and we were able to put together a proposal that did exactly what the President challenged us to do. We presented our specific budget proposal that eliminated as much of the deficit as the President did, without one penny worth of taxes. We downsized the Federal Government and we were able to meet the challenge with specifics.

Unfortunately, that budget was rejected in favor of the tax and spend budget that passed this House floor.

Then later in the year we had the reconciliation tax part of that budget, and again the majority said if you do not like our tax increases, give us your specifics.

We went back to work and we developed our specifics, and we laid them on the table, and we showed how we as House Republicans believed that we could downsize the Government by reforming the Federal Government, and not having to raise taxes on the American people, but rather adopting a program of reform in this city.

We one more time were defeated.

It was soon after that the gentleman from Minnesota, a Democrat [Mr. PENNY] came to me and said would you be willing to work on additional spending cuts? We just jumped at that opportunity. Mr. PENNY and I, along with 28 other Democrats and Republicans, tried to cut a penny on a dollar over the next 5 years, totaling \$100 billion in spending, and we did that in an effort to try to create a momentum for reforming and downsizing the Federal Government. One more time we were defeated.

Then when we came back in this year, Mr. PENNY and I, along with Mr. NUSSLE and Mr. CONDIT, got together for purposes of paying for the earthquake. We said yes, we believe we need to send money to people in California, but we believe that it ought to be paid for. We ought not to put this on the back of the kids in this country, and we put our proposal together with our specifics. And one more time we were defeated.

Now the President came to Capitol Hill to deliver this State of the Union speech, and he outlined his budget proposal, and he talked about how tough his spending cuts were in his proposal. And he said to the Republicans, if you do not like my budget proposal, then show me what your specifics would be. And the Republicans on the House Committee on the Budget went back to work.

We in fact have put together a budget, and have one more time not only met, but won the challenge that the President laid out to us.

Last week in the committee, we were defeated on a party line vote. But tomorrow we will begin the debate on this House budget resolution. We hope that not only will we have the strongest support from Republicans in years, but in fact we are going to see Democrats come across the aisle and support this proposal. And why should they?

Well, if you look at the President's budget proposal, if the President had not sent a budget to Capitol Hill, and if the President had only decided that he would let the programs go on automatic pilot and just let automatic spending increases occur, believe it or not, we would have lower deficits under a budget that would be described as an automatic pilot budget than we have under the President's budget.

In other words, the President's budget, which is labeled as tough on spending, increases the deficit more than if he had done nothing.

We did not find that acceptable, and in fact we thought that the challenges that the President laid down at the State of the Union needed to be met. And we believe that it was important that we not just talk about crime legislation, but that in effect we provide communities with help for more prisons and more police on the streets. We thought it was important that we

make a first down payment on health care, to try to address the problem that most Americans are saying we have got to do something about. We have a health care reform provision in our budget. And we also believe that we should not just talk about welfare reform, but that in fact we ought to present and lay down our specific welfare reform proposal, which is precisely what House Republicans did in their budget.

Furthermore, we also believe that it is necessary to provide incentives to businesses so they can invest in plant and equipment, become more efficient, hire more Americans, and help to not only increase productivity in America, but to provide for greater prosperity, relying on the private sector. And finally, perhaps the gem of the Republican budget proposal, is something that the President promised over a year ago, and that was middle income family tax relief.

What the Republican budget proposal provides is for a \$500 tax credit per child per family up to \$200,000. It is really the middle income tax cut that the President promised in the campaign.

Mr. WALKER. If the gentleman would yield, surely the Democrat's budget contains those things too. Surely the Democrat's budget, where the President talked so much about health care reform, surely the Democrat's budget has health care reform in it, and surely welfare reform.

Mr. KASICH. No, it does not.

Mr. WALKER. They do not have health care reform in their budget?

Mr. KASICH. There is no health care reform in the President's budget.

Mr. WALKER. What about welfare reform? Surely that is in the budget. The President has talked so much about welfare reform.

Mr. KASICH. There is no welfare reform in the President's budget.

Mr. WALKER. But the President came up here and told us about that. What about crime? The President has said that the crime bill is a major priority. Surely they have included the crime bill?

Mr. KASICH. There is some spending in that area. But I would say to the gentleman, we have not seen a crime package that is contained in this bill.

Mr. WALKER. So they do not have that. Well, this would be the year to do that.

Mr. KASICH. I must also say to the gentleman, there is no family tax relief.

Mr. WALKER. This is the year you would think they would come back with that. You mean that the President has reneged on the promise to the American people on tax relief for middle income families in this budget as well?

□ 1850

Mr. KASICH. I want to say to the gentleman that the Republicans basi-

cally felt that we better make good on that promise.

Mr. WALKER. So the Republican budget has health care reform that the President does not have. It has crime reform that the President does not have. It has welfare reform that the President does not have. It has tax relief that the President does not have.

Mr. KASICH. And incentives for business.

Mr. WALKER. I assume what we do then in our budget is we probably have to raise taxes in order to do this.

Mr. KASICH. I would say to the gentleman, that is what makes the document so remarkable, because in every single year of the 5-year budget the Republican budget alternative has lowered deficits, every single year of the 5 years, totaling \$150 billion less in deficits than the President.

Mr. WALKER. Do we get there by raising taxes?

Mr. KASICH. No, we do not. We do it by downsizing the Government.

Mr. WALKER. So if I understand this, we have lower deficits than the President. We have more in the way of reform than the President's budget, and we do not raise taxes at all.

Mr. KASICH. In fact, we give tax relief to middle-income Americans.

Mr. WALKER. So middle-income America is actually going to get some tax relief that they do not now have, and they are going to get these reforms. And they are going to get lower budget deficits out of our budget, and the Democrats do not have any of this in their budget.

Mr. KASICH. That is correct.

I would say to the gentleman from Pennsylvania that in the State of Pennsylvania there are 2,322,808 children whose families would be eligible for this \$500 tax credit. It would save the people of Pennsylvania, would send \$1,161,404,000 back to those taxpayers.

Now, this is not a wish budget. This is not smoke and mirrors. We have paid for every single section of this budget proposal that we are making.

Mr. WALKER. By downsizing government.

Mr. KASICH. By downsizing government. Should we cover a few of the things that we do?

Mr. WALKER. I mean, 2 million kids is an awful lot of people in Pennsylvania to get covered.

Mr. KASICH. More than \$2,322,000.

Mr. WALKER. Do I understand correctly that, for instance, if there is a family of five and they are middle-income Americans, they make \$40,000, \$50,000 a year, as dual-income family or even less, and they have, so they have three kids, that they would get \$500 for each of those kids?

Mr. KASICH. They would get \$1,500 worth of a tax credit against the money they owe the Federal Government; that is correct.

Mr. WALKER. That is big time for most middle-income families. Do you

realize that middle-income families pay on an average of about \$5,000 in taxes each year, and we are going to give them a \$1,500 tax credit with this proposal. That really does do something real for middle-income Americans.

Mr. KASICH. Yes, and I would say to the gentleman that this tax relief is paid for. This is not some pie-in-the-sky where we want to pass out money to people. We have paid for every provision in this bill, and we are still \$150 billion less in deficits than the President. And we did it, I say to the gentleman, by not protecting the Washington establishment. We did it by looking in virtually every nook and cranny of the Federal Government, and we have privatized some programs. We have eliminated some wasteful programs. We have brought innovation to a whole variety of these programs.

Let me say this to the gentleman: For the Members here who have voted on Penny-Kasich, many of the things contained in the Penny-Kasich proposal are in this budget. The Budget Director himself, Leon Panetta, said that Mr. PENNY and Mr. KASICH ought to vote for the President's budget, because 75 percent of Penny-Kasich is in their budget.

Well, we are going to use some of the savings from Penny-Kasich, some of the savings that the gentleman himself, from Pennsylvania, has suggested. And what we do is, we down-size the Federal Government.

And we take some of the savings from the down-sizing. We share some of them in terms of deficit reduction, and we share another fraction of those savings with the American people who pay the bills that run this place.

Mr. WALKER. This is going to make the Washington establishment pretty angry. They are going to be rather angry that you are going to take money from them.

If I understand correctly, what we are going to end up doing is making the Washington establishment angry, but the middle-class families in the country happy.

Mr. KASICH. I think we will make most of Americans happy, because not just the provision on families but the provisions that do things like index the capital gains tax.

Mr. WALKER. That helps small businesses people.

Mr. KASICH. Absolutely. Not only that, but take a senior citizen who brought a house and paid \$50,000 for it. And the time has come where they want to sell their house, and they sell it for \$100,000. And inflation could be accounted for \$30,000 of the difference. In other words, they paid \$50,000. They are going to sell it for \$100,000. But there is only \$20,000 more in real value to that house. They should not have to pay taxes on the inflation.

So it is going to help. It is going to help anybody that sells a home. It is

going to help anybody that has a business.

And guess who else it is going to help? The American worker. That is who it is going to help.

Mr. WALKER. All at the expense of Washington bureaucrats.

Mr. KASICH. Yes, at the expense of Washington bureaucrats.

Mr. DICKEY. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Arkansas.

Mr. DICKEY. Mr. Speaker, I need some information from the gentleman.

What are the figures for Arkansas, as far as what we will get in our economy?

Mr. KASICH. Well, the number of children in Arkansas that would be eligible for this credit total 349,625; 349,625 children in Arkansas would qualify for this family tax credit, totaling \$174,812,000.

Let me say to the gentleman that when we at the Budget Committee presented this at a press conference, we did not have all the specifics that day because all the numbers had not been run yet. There is only 12 of us trying to do this thing.

The press came to me and said, "JOHN, if you hadn't done cutting spending first last year in the Penny-Kasich budget, and we didn't know that you would give us the numbers tomorrow, we wouldn't believe this is possible."

We have shown them the numbers, and does the gentleman know what they say? "A very serious alternative."

The difference between the Republican budget and the Democrat budget is the Republican budget says, we do not believe that the Federal Government ought to be empowered. We think the Federal Government ought to be shrunk.

Mr. DICKEY. Let me say something to that. In my district, I think there is \$54 million that is going to be injected into the economy in the Fourth District of Arkansas.

Mr. KASICH. I would say to the gentleman, in the Fourth District of Arkansas, which the gentleman represents, there are 107,975 children who would be affected and eligible. Their family would be eligible for this tax credit, and that amounts to \$53,987,500.

Mr. DICKEY. Let me say something. If the gentleman from Ohio will yield for a second, what we in the business world consider as a value to the economy is like \$1 equals \$7, as it circulates and comes back. And it is circulated and circulated again.

If we are looking at \$174 million for our State of Arkansas coming back so that we spend it without the price of Government bureaucracy, without the inefficiency and the ineffectiveness of Government spending our money, and we spend our money, we can multiply that times seven, as far as what it will do to our economy.

Then we have more income. We have more income taxes, and we can help the economy of Arkansas.

I am for this program anyway. I have voted every time your bills have come up, every time the gentleman from Ohio, every time it has come up. But this time in particular, we have a chance of taking back the power that is taken from us when we are taxed. We ought to give it to the people and let us spend it rather than, in the United States, rather than up here in Washington, DC.

I am particularly for that, because I think we can spend our money that we earn a lot better than a Government that does not earn it and has nothing, does nothing but waste it.

Mr. KASICH. I want to compliment the gentleman on his statement. But there is always one important point that we need to keep getting through.

The document that I have in my hand is the Republican budget alternative. I am flipping through a whole variety of pages. This contains every single element of the Government reform that we believe has to be made to provide some tax relief to the American family and also to reduce the deficit.

There is no free lunch. There is not some kind of an economic plan that is a hope and a prayer. This is a hard-core decisionmaking document that says specifically where the Federal Government's power can be reduced, where services can be improved to our citizens.

I want to give you one example about this, to the gentleman from Arkansas. I need to make this point. We have got a very valuable member of the Budget Committee here with us now, NICK SMITH from Michigan. I want to talk about a provision, because people have to understand where our thinking is. We have taken all the nutrition programs of the Federal Government and rather than allowing the bureaucracy, spread out in all these different offices to touch the money that the people of Arkansas and Michigan and Pennsylvania send here, and then send back to us, because you see, as this money makes its way through all these bureaucrats' hands, it burns up the value of that money.

□ 1900

So what we have done is taken all of the nutrition programs of the Federal Government and we have put them in a block grant, and we have said to the States we are going to send you this money, Arkansas, Michigan, Ohio, and you spend it to feed people who need it, with one single requirement: Double the amount of money that you give to women, infants and children. Do Members know what? In the course of doubling the amount of money we give to women, infants and children we are able to actually save the Federal Gov-

ernment \$8 billion. Do Members know why? Because we have eliminated all of the bureaucracy that clutters this place and keeps us from being able to deliver the services that the American people want.

And we use that philosophy on job retraining programs where we do not think a Washington bureaucracy is going to retrain people as well as getting the money back to the States and letting the local people do it. We do it under the guidance of the gentleman from Michigan who has block granted money, mass transit money, into low priority transportation projects.

What we are trying to do is say that the States are capable of making wise decisions. And in the course of doing it, we have saved billions upon billions of dollars, and it is wonderful because we take a little piece of that and we say to the American people we are not only going to save \$8 billion off the deficit, but we are going to give you a little piece of that money that you have been sending for your family.

One other comment I would like to make. We privatize. We say that the Federal Aviation Administration ought to continue with safety inspections in this country, but we want to turn the air traffic control operation over to private corporations. This is done all over the world. If we are able to do that, then the airlines will have more efficient operations. It will benefit the consumer. Now when we get on an airplane, did Members ever notice when they back away from the gate and sit there half an hour? It is because that is so they are reported to have departed on time, but they never get up into the air. Do Members know why? Because the air traffic control system is outmoded and outdated, and we cannot get an efficient one in place. Do Members know how we are going to get it in place? Not in the Federal Government. We are going to get it in place with private corporations, private enterprise and business.

We take those savings from that proposal, we apply some of them to reducing the deficit, and we take a little piece and we say to the American family that they can have a little bit of it.

All throughout this proposal it is a hardcore choice of downsizing and shaking up the Washington establishment, less for Washington, more for the people who support this place.

Mr. DICKEY. Mr. Speaker, will the gentleman yield for a minute?

Mr. KASICH. I am glad to yield to the gentleman from Arkansas.

Mr. DICKEY. I still need to ask a question of the gentleman from Ohio. As I have looked at these other proposals by the liberals in this body, I see that really all we are doing is recycling money, that we are not really sending it to the deficit, we are not really cutting spending first as the people of the Nation want us to do. What it seems

like we are doing in that regard from that side of the House is this bill, and I know it is, but explain to the American people how this bill is not recycling money but it is actually cutting the deficit and actually bringing some pain so that we can gain on the deficit?

Mr. KASICH. There are some choices that have to be made in this bill. But what I want to say to the gentleman is if you are creative, if you are innovative, if you are not afraid of change, you can make mammoth amounts of savings, and you can use that to reduce the deficit, and you can use it perhaps to help families or any other choices you want to make. And that is precisely what this bill does. Listen. If this was on the national referendum, this budget proposal versus the President's budget proposal, it would be no contest.

Mr. DICKEY. Yes, 9 to 1.

Mr. KASICH. That is exactly right. And what we need is for the American people to stand up and say we do not like the Washington establishment. We want it changed. We want it fixed. We want to reduce the national debt, and how about a little bit for my family.

Mr. DICKEY. How can we say that we have true spending cuts if it is not going to reduce the deficit? That is what I think the people of America are impatient with. They are tired of it, and I think we have to answer to them.

Mr. KASICH. Part of the problem is that this administration says they are going to cut, but what they do is they cut this program and create another government program.

Mr. DICKEY. Yes; so that they can do more favors, so that they can do more favors just in another area.

Mr. KASICH. It is a different philosophy. They believe investing in government is the way to have progress, and we do not happen to share that view.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, we talk about some of the tax changes and the \$500 per tax child tax credit, not a deduction but a tax credit for each child in America where their parents file income tax. That is a beginning. But let me talk about another tax fairness issue.

How many people are self-employed out there? How many people are unfortunate enough that they do not have health care provided by their employer, and yet when they go to fill out their income tax, they have to pay tax on all of their health care dollars until they exceed 7½ percent of their income? So what happens is the individual that is lucky enough to have health care provided by their employer does not have to pay any tax on the value of that health care. The person that is self-employed, or unlucky enough to be working for a small employer or small business and not to have that health care provided, ends up paying income tax on it.

The Kasich plan, this Republican proposal, allows 100 percent deductibility for individuals who are self-employed or otherwise do not have it furnished by their employer. That is a beginning.

Let me mention another area of tax changes in this bill. In this country we just happen to have less investment by our businesses, by our industry. We invest less in new machinery and equipment per worker than any other G-7 countries of the world. Why do we do that? Because our tax policy at the Federal level makes it more difficult for those businesses to invest in new machinery and equipment because we tax the heck out of them.

In a provision in this bill it says, look, we are going to allow businesses who are willing to make that investment to try to increase their productivity, to expand jobs, we are going to make it easier for them to invest that money in new machinery and equipment by applying, if you will, an inflation factor on what they are otherwise allowed to depreciate.

Let me go into that just a little bit.

Mr. DICKEY. This is different than a tax credit? The gentleman is talking about a deduction now; is that correct?

Mr. SMITH of Michigan. I am talking about allowing full depreciation for new machinery and equipment that a business buys. Right now we say that they have to depreciate that machinery or equipment over a period of whatever, 5, 10, 15, 20 or 30 years, but as that time period elapses the \$1,000 that they invested in the piece of machinery, they are going to have to wait 20 years before they are allowed to deduct it as that year's portion of that machine as an expense, and the dollar is not worth as much any more.

So what this provision includes would be as a small part of the Kasich budget plan saying that we are going to apply an inflation factor to what you are otherwise allowed to depreciate. It is going to make a difference.

I would just like to say also to the gentleman from Ohio [Mr. KASICH], congratulations for his hard work and good job.

I would like to also say that the key is to come up closer and closer and closer to a balanced budget until we have it. This plan in 1996 has a deficit of \$140 billion.

Do Members know the last time we had that small of a deficit in this country? It was in 1982 at the beginning of the Reagan era that we had something like a \$150 billion deficit.

So everybody's goal, if there are 263 individuals in this body who say, hey, I am going to sign the balanced budget amendment and change the Constitution, there should at least be 218 who are going to pass a bill that comes closer to it, and this bill does it.

I know it has been said, but we are coming to \$150 billion more cuts after we pay for all of these tax changes and

everything else, \$150 billion more cuts than what the alternative is coming from the administration.

Mr. KASICH. I appreciate the gentleman's contribution. Let me say to the gentleman from Michigan [Mr. SMITH], who is from the 7th District, there are 129,213 children in families that would qualify for this tax credit, totaling \$64,606,000 that would give the people, the middle income folks in Michigan a piece of the downsizing of the Federal Government. And I really want to thank the gentleman for his contributions on the Budget Committee.

Mr. Speaker, I yield to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Speaker, I want to stress to the gentleman and all other Members in the Chamber as well, are there not people out there in America who are saying yes, we want to sacrifice?

□ 1910

Do you all not hear in your communications with the folks, "Yes, we want to sacrifice, but we want it to be fair"? I think there are people who want this to happen as long as we get down to everybody sharing. We do not want to put it off on any one person or any one section of our economy.

I also think there are people in this body who do not think there is a life after spending cuts. They do not think there is a life after sacrifice. The American people say, "Yes, let us do it." Public Enemy No. 1 of America is the deficit, and I think our people are ready to go to war.

Mr. KASICH. I will yield to the gentleman from Michigan, but I want to let him know in his Second District in Michigan that there are 139,178 children in families who would qualify for the child tax credit, and that would total \$69,589,000, just a little piece of the savings that we make by shaking up the Washington establishment.

I yield to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. I thank the gentleman for yielding.

It is on behalf of the people of west Michigan I would like to thank the gentleman, because there are a number of things that the gentleman has been talking about, I think, that kind of fit together.

No. 1, the gentleman talked about taking power away from Washington and moving it to the people. He talked about an initiative or the opportunity, if this were on a referendum basis, the American people would endorse this budget by an overwhelming margin. That is one of the things I want to accomplish in Washington one of these days is to accomplish an initiative or referendum process to have the people have more input into the process in Washington and help set the agenda. That is not why we are here tonight.

Mr. KASICH. Let me just say to the gentleman that this is a perfect exam-

ple of how the initiative petition would work, because if the American people had the right to vote on this budget versus the President's budget, we are winners, and if there is anything we need to shake up the Washington establishment, it is to let the people on the outside of the wall get over so those in here get the message.

Mr. HOEKSTRA. Right. If we had the referendum process, we would get their input on term limits, and next week we would be able to really get their feeling on whether they wanted a balanced-budget amendment.

But I think what is important and is exciting about this budget is the framework that it establishes by bringing people and bringing more power back to the people at the local level.

I think the reason we want to do that is we have to recognize that that is where we are going to get the most productivity and the best use of our dollars. The individual person, the individual company at a local level, they experiment, they learn, they have personal responsibility in terms of how they are going to spend their money and where they are going to use it.

Businesses and local communities are much better at creatively using the funds that they have at their disposal rather than what we do here in Washington. They are more inventive in terms of how they are going to use their dollars to solve problems at the local level, at the family level, than what we have here in Washington.

We need to go back to reinforcing the things that have gotten us to be a great country, the free market system. We need to shrink what we are doing here in Washington.

I would also like the chairman, or the ranking member, of the Committee on the Budget to perhaps answer a question that one of the things that I have observed since I have been here in Washington now for 14 months is that every time we talk about cutting spending or that as we run into a budget problem, we have this habit in Washington of saying, Well, rather than passing a new law and spending money in Washington to implement, what we are going to do is we are going to pass a new law and we are going to tell people what to do at the local and what to do at the State level, and we are going to mandate to them what we are going to do. So, you know, right now I have got three counties in western Michigan that, because of a poorly written law, are going to go through auto emission testing because the Federal Government has mandated that if the air above you is dirty, you will clean it up. The problem is air moves, and the law has no allowance for transport of pollutants.

But what would you say to the person that says, Just a Republican budget; what they are really going to do is the end result will be they pass the costs on through mandates?

Mr. KASICH. I would say to the gentleman that we are clear here on the issue of unfunded mandates. We have provisions in here that we think the legislation should be enacted to require the CBO to report on the costs imposed by unfunded mandates and on State and local governments prior to any action here. We believe there ought to be a pay-as-you-go. We do not think we ought to have unfunded mandates.

In fact, the language we have in our proposal has been really created by the gentleman from California [Mr. CONNIT], the national people in the mayors' association, national Governors, the Republican Governors' Association. We do not think we ought to be mandating costs on local governments.

I would also say to the gentleman we also believe that the problem of regulation on any operation in our society should be restricted.

So this is not an effort to shift the burden away from Washington to local government. It is an effort to say, "People at home, we think you can solve our problems better than a bureaucrat can." And, you know, it amazes me, I have people who talk to me who work here in Washington who say, "What is the time zone in Columbus, OH?" And they are going to solve our problems back there the people there can best solve, and that is the philosophy behind this budget.

Mr. HOEKSTRA. I think the important thing to realize, this is more than just a budget document. It sets some major new courses in terms of moving dollars back to the family, cutting Government spending, cutting back on mandates, which is another form of Government spending. We just do not have the nerve to ask for the taxes; we just tell people what to do. So this really does set a new direction and a new tone for what we are going to be doing here in Washington.

I applaud the gentleman on the work that he has done and thank him very much for the opportunity.

Mr. KASICH. I would like now to yield to the very distinguished gentleman, a member of the Committee on the Budget, from South Carolina, the gentleman from South Carolina [Mr. INGLIS]. He is from the Fourth District of South Carolina, and in his district, I say to the gentleman from South Carolina [Mr. INGLIS], there are 120,170 children who make up families that would qualify for the child tax credit, totaling over \$60 million, but just a tick of the savings that we are trying to provide to reduce the deficit, give a little bit back to the families.

I would be glad to yield to the gentleman, a member of the committee.

Mr. INGLIS. I thank the gentleman for yielding.

I want to congratulate you, I say to the gentleman from Ohio [Mr. KASICH], on the excellent work he has done to

guide us on the Republican side of the committee through the process. We have been meeting for 6 or 7 months now in working groups to come up with this budget, and the very important thing I think to point out is that for those in this country who heard the debate last year, they heard about our cut-spending-first budget.

That budget really is part and parcel of this new one. There is sort of a new twist this year, though.

In addition to significant spending cuts, in fact, \$150 billion worth of additional deficit reduction over what the President would do, this year we add some things that I think are very important to add.

We add a number of things that constitute a growth agenda, and an agenda aimed at giving some tax relief to the American family. Those are some very important things to add.

Last year in our budget, I say to the gentleman from Ohio [Mr. KASICH], we had \$429 billion worth of deficit reduction, as you recall, over 5 years. That was a significant package of cuts to get us on the way toward deficit reduction.

We have picked up some of those cuts and brought them into this year's proposal. This year's proposal, though, has some exciting new things. In addition to all of those cuts from last year, and some new ones we have added as we have come up with additional ways to shrink the size of this Government and to cut spending first, this year we have got a number of exciting things. We have got a crime bill that is paid for. We have got a health care reform package that is paid for. We have got a family tax credit that will restore the value or move toward restoring the value of the exemption that existed long ago for the American family so that now we can get some tax relief to the American family rather than continue to put the pressure on the family so that both spouses must work.

That is the idea behind this package. And another part of it that is a significant part of this growth agenda that I am speaking of is the capital gains tax reduction. That, together with the accelerated depreciation, should help businesses across this country invest in the future in a system where they can see some relief at the end of the tax tunnel.

□ 1920

The important thing I think to point out about all this, though, talking about this growth agenda, is that all of it is paid for. I think that is the most significant accomplishment. I say to the gentleman from Ohio, that I would point out to him as something that he has helped us on the Committee on the Budget to come up with; all of it is paid for.

Mr. KASICH. I think the comment the gentleman just made is so important. We are not trying to give away

for today somebody's savings for tomorrow. What we are saying is that when the administration raised taxes by nearly \$300 billion, we do not want that. We did not want it last year, and we are prepared to say where we would reduce spending in order to give them this tax relief.

This is, basically, only canceling out part of the tax increase that we had last year. Not only that but, you know, what this does, it allows us to keep the President's commitment to middle-income families.

Do you want to know something else? I think he will be around with a proposal that will be very much like this. So, I say why not now? Because we have got the way to pay for it. Let us give them the relief now.

You know, when he was Governor, he, along with a whole host of people in this body right now, signed onto the fact that they wanted to give \$1,000 tax credit per family. I do not want to monopolize the time here; I just want to thank the gentleman from South Carolina for working on creative proposals to downsize the Government so that we can not only reduce the deficit but also help American families.

One other point: The investments we make in allowing the private sector to depreciate plant and equipment, you see, that is going to improve things here. That is going to create jobs, generate more revenue. These are investments in the private sector that will pay off for the American people in addition to the family tax credit.

Mr. INGLIS of South Carolina. Mr. Speaker, I will just add briefly here something that I think is very important to point out again. That is that all of what we are talking about here in our growth agenda—it is important not to have just deficit reduction but also growth—all of our growth agenda is paid for by corresponding cuts. In fact, more than we were talking about in the growth agenda. So that we actually effect significant deficit reduction.

I think it is important, too, to point out that the deficit reduction has two parts to it. It has a revenue side and an expenditure side. The key thing to look at particularly with the family tax credit is that it affects both sides. Yes, it affects the revenues to the Government, but it significantly impacts, I believe, the expenditure side of the Government. The fact is, when you look across this land, what you see is a deterioration in the American family. That is actually what is creating a lot of the expenditures that we do in this body, to take care of the fact that the family is falling apart and to try to put it back together again with some kind of a social program created and run by the Government. The American people know it will not work because the family is the basic institution of society. So we are trying to re-create that system with some other kind of Govern-

ment-run program; it will not work. What we have to do is restore the family by allowing the family to keep some of its money. That is the growth part of this budget.

The other part is getting the size of this Government shrunk, which I think is the clear message of the American people, shrink the size of this Government.

Mr. KASICH. The gentleman from South Carolina has just made a very, very good, a great statement about what we are trying to do in that committee. I very much appreciate the gentleman's contributions.

I now want to yield to the second Member from the State of Arkansas, the gentleman from the Third District, Mr. HUTCHINSON. Mr. HUTCHINSON has 119,447 children who would be eligible in the families for this tax credit, \$59,723,000. I want to say that Mr. HUTCHINSON and Mr. GRAMS have been absolutely key to the insertion in this budget of this family tax credit. I have enjoyed working with him.

You know, we kind of look at the Republican Budget Committee as kind of a family here; we like to work together, share ideas, we like to be constructive together. I want to compliment the gentleman from Arkansas, and I look forward to his statement right now.

Mr. HUTCHINSON. I thank the gentleman, and I want to compliment and commend the Committee on the Budget, particularly the gentleman from Ohio [Mr. KASICH]. This, I believe, is one of the most remarkable budget documents, in fact, a revolutionary document, certainly in the last 13 years since 1981. It points the Republican Party in a new direction. It not only emphasizes what we did last year in the budget with real deficit reduction, but it now provides real, real relief for American families as well as a progrowth agenda.

So I believe that it has sparked interest in the American people, it has hit a note among the American people. Phone calls are coming into the Capitol, faxes are coming into offices on Capitol Hill saying, "Support this pro-family budget."

I am very excited about that. It is remarkable for three reasons, for sure. It is remarkable because it brings us, first of all, real deficit reduction. That in itself, when you look at the numbers and realize this budget which provides relief in the area of taxes, also brings us greater deficit reduction than the administration's, that in itself is remarkable. It is a progrowth agenda with capital gains tax reduction as well as other progrowth components to this budget. It will spark an economic revival in America.

So while all of the numbers are based upon a static model, in fact, I think we are going to see dynamic growth as a result of this budget. That is going to

mean the economic picture and Federal revenues will be even rosier than we were able to project on a static model.

The most important development to me and the most encouraging and heartening element of this budget is the \$500 per child tax credit that is offered in a truly family-first kind of budget.

The family in the last four decades has seen the tax burden increase by over 250 percent in the last four decades. In 1948 the average American family was spending about 2 percent of their income, their gross income, on Federal taxes. Today that is over about 28 percent, an incredible increase in the burden that they face. And this antitax—antifamily tax policy that we have built up over the last four decades needs to be reversed.

In fact, in a number of areas we have actually attacked the American family, antifamily in our tax policy. This will be the first major step we have taken in reversing that very, very damaging trend.

As the gentleman from Ohio pointed out, every objective view of the American family has said that we need to provide tax relief for the American family. The Rockefeller Commission on Children said that we need a \$1,000 tax credit, not \$500. President Clinton, when he was a candidate for President, endorsed that concept of providing middle-class tax relief, he promised that that would be what he would do. Now a year later we still do not have it. We are offering him the opportunity to really reinforce the American family, fulfill his commitment, fulfill his promise and provide this kind of \$500 tax credit for families with children.

The question and the choice in this whole budget is one of Big Brother or mom and dad. Are we going to vote for Big Brother, or are we going to vote for mom and dad and the boys and girls of this country? Are we going to vote for more Government, more bureaucracy, or are we going to vote for the family? That is the choice that confronts us. I do not see anybody could have a hard time with that choice. Do we want more bureaucracy, more Government, or do we want to help the family?

You know, I sometimes greatly resent the way the Republican Party has been portrayed, as being only for the rich. I think if there is anything that underscores our commitment to the middle class, that underscores our commitment to the family, it is the budget document that the committee has come forward with.

I do not care if a family is making \$20,000 and has 5 children, they are going to find under this budget plan \$2,500 of tax relief, real tax relief for that low- and middle-income family. This is a real help for the American family, paying more for college tuition, more for groceries, more for transportation, more for insurance,

more for health care, all along the line. All we are saying is let us leave the money in the pockets of mom and dad and let them make those choices on how they can best care for their family.

Someone said it recently, and I think they said it very well: "The best department of human services in the country is the American family. Let us let them do their job, let us not detract from the job they are doing by overtaxing them and putting this heavy burden upon them."

□ 1930

And this budget gives hope to the American family. I think it is a truly remarkable and revolutionary document that is exciting the American people, and into the next 24 hours we are going to continue to hear from them on Capitol Hill and, I hope, our colleagues on both sides of the aisle, because the family is not a Democrat, and the family is not a Republican. A family is American, and we need both sides of the aisle to start a truly profamily, families first, kind of budget, and I appreciate the opportunity to make this kind of a statement.

Mr. KASICH. Mr. Speaker, I would say to the gentleman from Connecticut [Mr. SHAYS] who has had an opportunity to listen to our colleague, the gentleman from Arkansas [Mr. HUTCHINSON] that that was a very impressive, very well thought out argument that the gentleman just made, and I want to compliment him on his statement. I am sure the gentleman from Connecticut will do the same, and at this point I yield to my dear friend, the very distinguished gentleman from Connecticut [Mr. SHAYS], a member of the Committee on the Budget.

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Ohio [Mr. KASICH] for yielding and also thank the previous gentleman, the gentleman from Arkansas [Mr. HUTCHINSON], for speaking. There is just no question that what has been very exciting as a member of the Republican Party is to see how all elements within our party have tried to come up with a viable alternative.

I am over on the Democrat side of the aisle, and I am thinking how significant a discussion we had last year when we debated the Penny-Kasich proposal, Republicans and Democrats working together to try to cut spending, and how the White House snuffed out that effort, and so what my colleagues see today are just Republicans talking.

I am remembering when the President was first elected and he said, "We need to work together, and we need to come up with alternatives." We came up with alternatives. He said, "We need to work on a bipartisan basis," and we reached out to the gentleman from Minnesota [Mr. PENNY], and we did.

Mr. Speaker, I went to the White House and met with Leon Panetta to

ask him to support the Penny-Kasich bill, to say, "Cut \$90 billion," and, "It's bipartisan. We have a chance to work together." And I said, "At the very least, if the President can't support it, at least he won't work against it." And what the answer was was a very partisan effort to kill this bill, and they succeeded by six votes.

But I am thinking:

Six votes. Just three people, it would have been a tie. One more vote, four people, it would have passed despite the effort by the administration to kill an effort to cut \$90 billion.

So today we are back as Republicans speaking, and I know the public wants us to be Americans first, and that is what we have got to be, but the sad thing is we do not have people on this side of the aisle talking about cutting more, getting our financial house in order, talking about the kinds of issues of family tax relief which, I think, was a significant element in this package put together by cuts in other places, paid for, \$500 to help families raise their children. The welfare reform that is in our package—I mean getting young women in particular back to work, and we have a neat program, a wonderful program, in Connecticut where young welfare moms are being coached and helped in terms of getting back into the workplace, and my colleagues will see their graduation from the private industry groups that have been involved, and a welfare recipient will say:

"You know what I like best about my program?"

This is a graduate of basically welfare back in the work stream, and more often than not we will have one of the recipients hold up a check, and they will say, "I earned this. I have a job, and I earned this."

And that is what we have. We have welfare reform in our package.

We have significant deficit reduction of over \$150 billion. We have job creative incentives.

We have health care reform, and one of the things that was a disappointment to me in this whole debate is that in the bill we are going to debate tomorrow there is no health care reform. It is not in it, and we are going to have to put it in, and then we are going to have to find out how we pay for it in the package presented by the majority party. But, as the gentleman knows, we have our health care reform package, an anticrime package as well.

The reason why we are doing what we are doing is we need to get our financial house in order, and we know we got into this mess because of Republicans and Democrats, the White House and Congress. I mean it did not just happen because of one party. In some cases it happened because both parties were willing to save their own area at the expense of the general public that have to pay the bill, going back and

saying, "Well, I didn't cut defense when we probably needed to," and some saying, "I didn't control entitlements when we needed to."

So, Mr. Speaker, what we have now is a package that seeks to do all of those things, and it would not have happened without the leadership of the gentleman from Ohio [Mr. KASICH].

But I remember last year when the President brought his plan forward, and he pointed to the gentleman and said:

You come up with alternatives. You're the ranking member of the Budget Committee. You come up with alternatives, and I'll look at them.

And I remember the gentleman being outraged that the President came with in \$3.58 of taxes for \$1 in spending cuts, and actually when we say "spending cuts" here, we are talking about cutting the increase in spending. And when the Budget Committee came in, the Republicans with their alternative, and no tax increase, cutting spending first, to the credit of the Democratic Party they responded, moderate and conservative members in particular. The Democratic Party said to the President, "We need to cut more," and they did, and they got that \$3.58 of taxes for \$1 of spending cut down to \$1.53.

Mr. Speaker, that was an improvement, and I think it happened in part because of the responsible actions of the Republicans in showing it could match the President's number with no tax increase, but then the sad thing is his package passed by one vote here, but, if one had changed, it would have been a tie vote, and he promised then that there would be an opportunity to cut more. I remember the majority leader saying, "This is just the beginning," and the Speaker saying, "This is just the beginning," and the Speaker saying, "This is just the beginning; we have to do more."

And this year what did we see? Well the end of last year we saw them squash Penny-Kasich, a bipartisan effort, but then the President walked down the aisle. He came up to the dais and spoke to us in the State of the Union. He said, "We need to stay the course," and I am thinking this is the President talking change, stay the course. What is staying the course? If we do not take action on the national debt in the next 5 years, it is going up \$1.6 trillion. It is only, only a 38-percent increase, as the President points out, a less of a percent, but it is on a much higher base. The national debt is going to go up \$1.6 trillion, one of the largest increases in any 5-year period under any President.

So, Mr. Speaker, we know we need to cut spending more, and we make that effort in a very real way, and what I like about it is in the process of making the effort of cutting spending we are not just saying no to programs. We

are consolidating. We are taking 150 educational job training programs the GAO has recently written reports on and saying, "They don't work," that they are not doing the job they should do, that we are wasting tens of billions of dollars. And they are saying to consolidate, so we do in our budget. We have 8 programs from 80, and that to me is a step in the right direction. We consolidate our grants programs for housing and allow States the opportunity to decide where to spend this money, and we get rid of a whole layer of bureaucracy. We continue to cut back the work force.

But if we stay the course, as the President has asked us to, spending will go up 23.3 percent in the next 5 years, so all we did was, under the President's plan last year, cut the slight increase. Spending would have gone up 27 percent, and so now it is going up 23 percent. The national debt is still going up \$1.6 trillion. We cannot stay the course, and I am hoping that the next go-around, that instead of a Republican on the side of the aisle that there will be Democrats again who say that we have to do better and come through because that, I think, is the only salvation we have.

Mr. KASICH. Mr. Speaker, I would say to the gentleman from Connecticut [Mr. SHAYS] that one of the proudest moments of my career was working on the Penny-Kasich bill, and I, in fact, just today talked to the gentleman from Minnesota, and we talked about windows of opportunity in the future, about being able to bring change to this town, and I would say to the gentleman that I know that a number of my constituents are very frustrated by the fact that they have not seen the kind of change that they were promised, and I believe they take great hope in the efforts that we make, and, you know what? We are getting closer.

Mr. SHAYS. Yes, we are.

Mr. KASICH. As the gentleman knows, once in a while we get a little frustrated and say, "You know, what are we going to do? Are we going to win?"

One of our colleagues said to me, JOHN, you keep running up that hill. You just keep running up that hill because one of these days you're going to get up on the top of that hill.

Mr. SHAYS. Mr. Speaker, if the gentleman would yield, I remember when I was first elected in 1987. There were already 30 people who supported the gentleman's plan, and then it got to be about 60, and then it got to about 150. I say to the gentleman, you're getting closer, and you're getting closer because you're trying to do what's right, and you got help from Republicans, and I think more and more Democrats are coming to the conclusion that you can't be for a balanced budget amendment but not be willing to cut spending.

□ 1940

In the process of cutting spending, I have to tell you, Mr. KASICH, there are parts in this budget that we put together that I do not like. There are a number of parts I do not like. But I cannot vote against an entire package because I do not like certain parts of it.

That is why we are in the mess we are in today. Everybody request find a reason to vote no against the package. But if we do that, we are going to continue to see ever expanding budget deficits.

So I am not frustrated, in part because of the good work you have done, and in part because of the good work I am seeing on the Democratic side of the aisle among some very conscientious Members. I really believe our only solution is for us to work on a bipartisan basis. I really hope that the White House will see the opportunity and seize it, and then I think we will see some big differences.

Mr. KASICH. I would finish by saying imitation is the highest form of flattery. We are starting to be imitated by the folks downtown. Ronald Reagan used to have on his desk a plaque that said you can get a heck of a lot more done when you do not worry about who gets the credit. And I think we are ahead of our time.

I would say to the gentleman from Connecticut a number of the ideas that we have been advancing over the years are finding their way into law, and I think a variety of things that are in this package will find their way into law. And I will predict to you before the end of this President's term, there will be some middle income tax relief. I just think it ought to come now, and it ought to be paid for, rather than later.

Mr. Speaker, I look forward to the discussion and debate tomorrow on the various resolutions.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Georgia [Mr. KINGSTON] is recognized for 30 minutes.

Mr. KINGSTON. Mr. Speaker, I know that the gentleman from New York [Mr. SOLOMON] is here and wants to talk about the budget. If the gentleman is interested, I will have a few comments on health care, and also we can tie it into the budget, because there are a number of issues that I know will affect the folks of New York. If the gentleman would like to mention anything about health care, I would be happy to talk to you about it.

I think one of the things that is significant about the budget debate and one of the things I appreciate the gentleman's leadership on, is the fact that as we look at the budget, if we look at

the revenues that came into the coffers in 1980, I believe it was \$517 billion, and in 1990 it was about \$1 trillion.

The only problem is that during that period of time, our spending outpaced our collections. So instead of balancing the budget with a period of increased revenues, we continued at deficit levels, and, as a result, we have I think as of February 9 a \$4.51 trillion debt.

One of the things that I would like to do is, if we consider as one of the proposals possibly a freeze, particularly in certain sections of our budget, then we would have an opportunity to allow revenues to catch up with spending. We could pay off the deficit as a result of that, if not the first 2 or 3 years, certainly in the 4th or 5th year. And then, along with that, what we could do is balance the budget, and then pay down the debt, which right now is about 14 to 18 percent of the total budget that we are spending. And it is very hard for Members of Congress to go back and explain to people on Social Security or on welfare or educators who are looking out for Head Start or other programs that we do not have enough money, and yet 14 percent of what our expenditures are are going just on interest on the national debt.

So I certainly appreciate the leadership of the people on the Budget Committee, people like Mr. KASICH and Mr. SHAYS and Mr. SOLOMON in that regard.

I want to talk a little bit about health care, because during the last week there have been a number of polls that have come out about the Clinton health care plan and about some of the various proposals.

I think one of the ones that was of interest is the fact that the Washington Post had a poll that came out I think last Tuesday that said 8 out of 10 Americans are concerned that the quality of their health care would be decreased under the Clinton program. Yet they were not blaming that on the Clinton program per se; they were blaming that on the bureaucracy that would be running the program.

One of the questions that I get at home in town meetings is, is this nationalized health care? When I answer that question, I always say let me just tell you what the National Health Care Board does, and then you decide.

The National Health Care Board would be charged with a number of things. But among them are developing and implementing a national health insurance system; setting standards for doctors and health care providers; prohibiting health care providers from performing certain procedures not deemed necessary. That would be, of course, protocol laws. Write and develop and approve language for insurance policies; gather information and evaluate it; control health care costs; set community rates on a national basis; have an oversight power for drug pricing; set health care budgets in the

form of insurance premium caps; and the list goes on and on. And I have tried to document this as much as possible.

Most of the power of the National Health Care Board is in section 1503, section 22, section 1911, section 1571, and section 1141. It shows what the National Health Care Board does. And in the sense that they would be running 14 percent of the GNP, then I think you could certainly make the argument that the Government would become the sole controller, or they would have the governing authority on almost all health care matters.

The second question people ask me is how much would that bureaucracy cost. And generally it is going to cost about \$400 billion over a 5-year period of time. The National Health Care Board alone would be about \$2 billion. This is all part of the program.

The bill is, 1342 pages long, so it is not something that we can always predict in terms of cost. But people have asked what would the cost be? Even if that is the case, is the Government that far off being wrong now? One of the things that came out last week or the week before was that the non-partisan Congressional Budget Office said that the Clinton health care plan would actually increase the deficit \$74 billion rather than decrease it \$50 billion, which is what the President had said.

But look at the Government track record when it comes to evaluating the cost of programs. If we go back to the 1960's, we find that in its early days, Medicare actually ran 70 percent above the projected budget for the first 5 years that it was in operation. And in countries such as Canada and France and Germany, where you have socialized medicine plans, there are constant budget crises. Canada, I believe in December, came out in the Province of Ontario and said the hospitals had to cut about \$200 million from their budget and there they required hospital staff to take 12 days of unpaid leave and closed down about 250 hospital beds since last year. That is just a small example.

Now, one of the things that also has come up in the last week was this situation where the DNC has got a quote in an ad that Governor Carroll Campbell is saying there is not a health care crisis, which is too bad, because he never made that statement. He was saying there certainly is a crisis. The crisis is more pronounced in some areas of the economy and for some people than it is for others.

It is a complete misrepresentation of his words. But if we do dare to examine who is the 37 million who are uninsured, we find that 70 percent of these 37 million are transient uninsured, and that they are going in and out of the system as they are finding a new job or they are temporarily out of work, and so forth.

Many of them are on COBRA. But that leaves about 11 million hardcore uninsured. And those are the folks who are the working poor, the folks with the high risk health problems like multiple sclerosis and cerebral palsy and so forth, and these are the men and women we need to target the first level of reforms at.

□ 1950

I believe the Michel plan does that. The Michel plan, of which I am a co-sponsor, allows small businesses to form purchasing pools so that they could have the economies of scale that large businesses have. It allows greater tax deduction for unincorporated businesses. Currently unincorporated businesses can only have a tax deduction of 25 percent as opposed to incorporated businesses who have to have 100 percent. It allows some of the malpractice reforms which would allow hospitals to exchange lifesaving and premium dollar saving information back and forth without being sued for antitrust.

It has malpractice reform. It has MediSave accounts and so forth.

I want to say that unfortunately this MediSave account is getting a lot of undue criticism. I do not think anybody is saying the MediSave account will completely reform medicine by itself, but the idea that consumers drop off a cliff when it comes to health care, no one can tell you if they break their arm, if it is going to cost \$150, \$400, \$600 and so forth. Yet would these same American consumers go to a store, a retail store that did not have price tags on its goods? Never. But when it comes to medicine, we do not seem to know what the costs of goods and services are.

I believe if we had some disclosure of physician fees, along with hospital fees for various services, and MediSave accounts that would empower consumers rather empower the Government, we would have the placement of a competitive market in the medical system which is absolutely void of it right now.

The gentleman from California has joined us. I yield to him.

Mr. HUNTER. I want to thank my friend for yielding.

On the subject of the MediSave account, I think you have accurately stated that it would be beneficial. We had a chance to have one company, their name escapes me now, this has been several weeks ago, but in fact several companies from the private sector came in and testified to the Republican Task Force on Health Care and talked about how their employees reacted to their MediSave accounts, where they gave the employees catastrophic coverage at the top end, then they gave them so much money. And if they did not spend the money on medical procedures, they got to keep it.

They talked about the way the employees reacted to that, how that

trained them and disciplined them to be careful spenders of health care dollars. And ultimately, the employees ended up saving money, enjoying this choice.

This freedom that you have when you have a MediSave account, I think that goes back to the basic bill.

The facts are that what we offer, as Republicans, I think puts more trust in the American people than the package that is offered by the Democrats.

Mr. KINGSTON. I want to throw something in. I was an economics major in college. I did my senior year term paper on the Russian agriculture system. I wish I could remember all the statistics, but the Government collective farms, which basically the farmers of Russia had to give all their food to the Government, they allowed the individual farmers to keep or, excuse me, to use 25 percent of their land for their own food production.

It turned out, on that 25 percent of the land that the farmers would keep all their production on, that produced more crops than the entire 75 percent in the system that went to the Government. The point is that if people are using their own money, they have a motive to keep whatever is leftover for a college education, long-term health care, they will be a lot more careful than what is happening right now, where insurance companies are going in there and you have bureaucrats spending their money.

American consumers know how to spend their money a heck of a lot better than we do in Washington.

Mr. HUNTER. The gentleman is right on that accountability aspect.

I had a constituent of mine, a senior citizen come in to my office months ago. She said, "Congressman, I was told not to complain about this because insurance is paying for it, but I just feel like it is my duty to show you what is going on."

She held up a little wrist brace, a little piece of plastic. She had had a sprained wrist. She was given a wrist brace to immobilize that wrist. It had two little elastic bands on it.

The bill to the insurance company was \$550. She said, "That is not the kicker. Here is the kicker."

She held up a little cheesecloth mitten that could not have cost more than 5 cents or 6 cents to make. She showed me the bill. The bill on that cheesecloth mitten was \$120. She was told, do not worry about it. The insurance is going to pay for it.

I am sure that even the insurance company is going to try to whittle that bill down. They will not accept something that outrageous.

I felt, as the guy who used to have to defend the \$600 hammer, as a prodefense person, remember that in the mid-1980's, and the \$300 military ashtray, that here we had the equivalent of a \$600 hammer. But it was the

\$600 medical hammer. The reason we had it was the same reason that we had the \$300 ashtray and the \$600 hammer with respect to the military establishment. That is, because there was no individual directly responsible for paying that money.

This constituent of mine had enough of an ethic and a sense of responsibility to come and complain about this and to fight it. But I think the fact that you do not have accountability on many of the things that are purchased in health care means that you have a lot of overcharging going on. And you do reduce that in the MediSave accounts when these families have a chance to save money, if they do not spend it. I think it would be safe to say that if a family had a thousand dollars in their MediSave account and they knew they were going to get that at the end of the year, if they did not spend it, and one of their kids got a wrist sprain in a football game that they would, and the doctor put a little wrist brace on it and said, "I'm going to charge you \$550 for it," I think you would hear the roof come off of that doctor's office. Because it was their money, and they would not allow that.

Mr. KINGSTON. They would know exactly how much that wrist brace was going to cost them, also, because they would have information available to them. And they would find out. They would have the motivation.

The beauty of the MediSave account is that it cuts out the middle man, the big insurance companies and all the bureaucracies are out of it. You go directly to the source. You make your purchase at the point of purchase, and you pay for it. But I think it empowers consumers and not the Government.

And finally, most important, it puts that free market mechanism to work in medicine, which it is not allowed to do right now.

If the gentleman will allow us to move on, one of the things I wanted to talk about also was the reform.

And so often in Washington we seem to be debating, do we want McDermott, do we want Clinton, do we want Michel, do we want Arney, do we want Cooper, Wellstone, Clinton.

We are looking at all these things. What about the local reforms that are already going on? They are going on all over your great State of California. I know they are going on all over Georgia.

I was at a retreat that a hospital had this weekend, and I went and listened to some of the reforms they are doing. It is a textbook example of what can be done in medicine, if government stays out of it.

There are things that are making it more competitive, bringing down the prices, and assuring the quality is still there, increasing quality. And these reforms are going on now without Washington and without the State legisla-

ture. And it makes me think that we need to end this debate, include the efforts of local people and what they are already doing before we go off and nothing happens to it in Washington in this great body called the United States Congress.

Mr. HUNTER. I think the gentleman is right. I think in a way we are making the same mistakes that a lot of very intelligent people made in Moscow for many years. That was when a 5-year plan failed, and we know it failed because a government does not make anything efficiently, and government cannot direct costs to go down, and government cannot mandate prosperity. But when a 5-year plan failed, the Kremlin would stick another batch of bureaucrats into it. They would say, there are not enough bureaucrats.

There is not enough control. There is not enough government intervention in this particular enterprise.

And they would overload it even more, and it would fail quicker than it had before. Any they never broke the code until we taught them that socialism does not work.

I just hope that we remember that lesson that we taught the entire world.

Mr. KINGSTON. I think that is a good point, because although people are rejecting Washington driven alliances on a local basis, I am finding that if it is a voluntary alliance and it is one that is controlled locally by the private sector, then they are willing to take a look at it. But they do not want us in Washington mandating a series of licenses saying that this is the cooperative that you have to get your health care from, you have to give up what you have now, and we are going to set the price. We are going to take all the negotiation out of it from you locally.

The Michel plan would allow this, because there is another difference between it and the Clinton plan. It does not repeal the McCarran-Ferguson Act. The Clinton plan repeals McCarran-Ferguson and says basically that States can no longer regulate health care, that it will be the domain of the U.S. Congress and the Federal Government. And in doing so, it usurps the power of 50 States, but it takes away all this local initiative, which is to me one of the biggest tragedies and one of the things I have found, as a new Member of Congress, is that the franchise or the franchises on brilliance are not issued in Washington, DC. There are a lot of brains back home, a lot of thinking people who can handle their problems just fine without us.

Mr. HUNTER. The gentleman is absolutely right. We have 435 Members of the House and 100 Members of the other body.

□ 2000

We cannot possibly be experts on everything, and there is no way that Members of Congress can respond in a

meaningful and thoughtful way to the complaints and the ideas and the initiatives of all of these constituents across this country, and the health care professionals, and the patients, and the folks who are affected by health care if they all come to Washington, DC, instead of going to their local bodies to try to steer the right course. There is no way we can handle them. We do not have a staff big enough to handle them.

So what it means is there is going to be a lot of hastily conceived ideas that do not work in practice where we have not looked at the great laboratories, which the States are in terms of making policy. And we are going to make a lot of mistakes. Washington cannot solve this problem.

Mr. KINGSTON. Another thing that is interesting about this health care debate is last week I made a list of the various plans and the numbers of cosponsors per plan. And it was amazing to me, I think the two plans with the most cosponsors were the Clinton plan, I think with 101, and I do not want to say exactly, but I believe that was it, and the Michel plan with 161. The other plans, some of them had 40, some of them had 20, and some of them that get a lot of publicity do not have very many cosponsors.

But last night, as you and I know, there was a tribute to Representative BOB MICHEL, and over and over again we heard great words about BOB MICHEL. And there was one thing that was just absolutely in every sentence, and that was "nonpartisan leader," a "nonpartisan guy," "nonpartisan Republican," "a bipartisan thinker," "a consensus builder." And so here is this guy who really does epitomize the best of both parties in terms of bipartisan cooperation, and his plan is not a Republican plan, it is a bipartisan plan. And we have offered the bill to our Democrat colleagues and said please sign this bill. It is a good bipartisan bill and we welcome your support, because we want to target our reforms on the 10, 12 million uninsured, the core uninsured right now. We want to give States flexibility, and we want to empower consumers and not government, and we need your help.

Mr. HUNTER. The gentleman is exactly right. I was not at the tribute to BOB MICHEL last night, but when the gentleman said nonpartisan, bipartisan, he described BOB MICHEL, a guy whose first question is, "How will this help America and how will it help Americans?"

I think it is interesting that he has more cosponsors on his plan than the President of the United States has on his plan.

Mr. KINGSTON. I know the gentleman from New York wants to talk about the budget, and we are going to yield the floor in a minute. But we need to pound that nail very deep into

the wood of thinking here, because when we talk about it, here is a quote from Tip O'Neill who called BOB MICHEL "the finest Republican that ever walked the floors of the House." There was a quote in the program from Speaker FOLEY, saying that he had always worked with him in a bipartisan fashion, that he was one of the finest Members of the House and they were very close personal friends. We are not talking about a partisan guy. We are not talking about a guy who is an in-your-face Republican in any way. We are talking about a guy whose first concern, his first thought in building a consensus, as the gentleman pointed out, is for what is best for the United States of America. And if it was not best, then you can be sure that BOB MICHEL would not lend his name to it.

Mr. HUNTER. The gentleman is absolutely right. From BOB MICHEL carrying that BAR in World War II and just being concerned about those five or six guys in his squad, to becoming a representative from Peoria, IL, BOB MICHEL has always been concerned about his fellow Americans. And he does not distinguish Democrat-Republican. I think the fact that he has more people on his bill than the President indicates also that BOB MICHEL has been listening to the American people, as have the members of the Republican task force on health care who have done a great job, the leadership task force, and I think there is a little more of the American people's input into BOB MICHEL's bill and into this process than there is in the other bill, in President Clinton's bill.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. Absolutely, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am just so impressed with the special order that is going on here because I represent an area in northern New York, and we have snow up there, we are at 7 feet it seems like now.

I have a chain link fence around my property that is 7-feet tall, and I have Siberian husky dogs out there that are looking over the fence, the snow is so deep.

But the point is that it borders on Canada, and there was a wire service story yesterday which indicated that their socialized medicine program that they have in Canada is now bankrupt. It is bankrupt, yet people cannot even get medical services there. And they flow across the Canadian border in my district, and all across New York on the border, and all across the rest of the country where they have to wait weeks and months for very, very minor but serious operations.

The thing about BOB MICHEL's bill is, and you know his bill is subject to change like all of the rest, but his bill does not fix what is not broke. And the people in my area, senior citizens in

particular are scared to death. They are scared to death when they hear about this single payer plan which is going to wipe out all of the other plans, wipe out Medicare and Medicaid and all of the large corporate health programs, all of the small business health programs, and they are just scared to death. BOB MICHEL's bill does not touch Medicare. It deals with those problems where for small businesses, under this plan small businesses would be able to, without a mandate, have small group insurance policies available to them. Do Members know how much of a savings that is? In other words, if you have a policy that is worth \$5,000, costs you or your employee \$5,000, just making a group insurance policy available reduces that cost about 20 percent, and 20 percent off \$5,000 is a lot of money. It is \$1,000. Now you are down to a cost of \$4,000, and do you know, and you two probably do your own income taxes like I know I do, but it is so frustrating to have to keep track of all of your medical bills, and your insurance costs. And then when you figure out the formula, and you go to take your deduction, you do not save a doggone thing. If you could write off the total cost of your insurance premium out of your pocket, and your deductible or your out-of-pocket medical costs, and if you had a cost of \$1,000, and you were in a 25-percent tax bracket or a 30-percent tax bracket, you have already reduced the cost of that premium by another \$300 or \$400.

Then if we could ever get through medical malpractice in this Congress, think what that would do to lower the cost of insurance to individuals.

You know, these are the things we ought to be doing. That is really what BOB MICHEL's bill does, and that is why I admire the gentleman for coming over here and talking about it.

Mr. KINGSTON. If the gentleman will yield, first of all let me say No. 1. I am surprised that the gentleman has the ability, though I should not be surprised because he is certainly one of the brightest Members of Congress, to do your own taxes. But I think it is interesting to point out that the tax simplification bill of 1986 was 491 pages long. This bill is 1,392 pages long, and I do not know too many people who do their own taxes. We have tax simplification, and yet many of the smartest business people I know right now have to go to an accountant, and so do the slower ones, such as me.

So I certainly sympathize with all of them.

Mr. HUNTER. I just want to thank the gentleman for having this special order and talking in a commonsense way about what we need in health care. I think the American people have, and I think my friend from New York knows this better than almost anybody because he has talked about it a lot, the thing I think that makes Ameri-

cans a little different from Canadians, and Brits and Frenchmen, and Germans, and people in other countries that have adopted one form or another of socialized medicine, is that Americans have a little streak of independence in them, and they have a wariness of government, of big government. And I just hope that that commonsense instinct not to let big government say, "We are from the government and we are here to help, and we are going to take over health care, we are going to make it cheaper, we are going to command it to be more efficient," I think the American people are a little more sophisticated than that, and a little more independent. And a lot of the so-called policy wonks in Washington, DC, these academics and others who have decided that the American people are not smart enough to be trusted with their health care, they have to have that handled for them, I think the American people are going to surprise the Clinton administration with their position on this bill.

You know, it is interesting. The polls I have seen show that as people read the bill, and they are asked the basic question, "Do you like it more or do you like it less now that you know more about it?" Most Americans polled say, "We like it less," after they have read it.

That indicates to me that this is not going to be quite as easy a snow job as I think a lot of the folks thought it would be.

Mr. KINGSTON. Let me ask both gentlemen a question. And I am serious about yielding the floor before the Sun rises. The gentleman is from California, and this gentleman from New York and I am from Georgia, three different parts of the country. Ours incidentally has 80 degrees this week, so leave your huskies up there, but you may come down. The question that people are asking me is will I have to give up my current policy which I am happy with under the Clinton plan? And I tell them yes, and they are upset about that. How do the folks in California react, and I want to ask about the folks in New York, how do they feel?

□ 2010

Mr. HUNTER. Well, let me tell you, from the radio talk shows that I have been on, once they learn that, and I have debated this with Members of the other side of the aisle, and I cheated in the last debate, I actually brought the Clinton bill to the debate with me and read from it, and first, my opponent in the debate thought that that could not possibly really be the Clinton bill, but I assured him that, yes, it was.

When people realize this is mandatory, you give up some freedoms to get this great security that the President talks about; the first freedom is the freedom not to be in the plan. It says every American shall be in the plan,

and it also says every American shall contribute. Now, as I recall, if you do not contribute, you get fined substantially for not contributing.

So the first thing you give up is your right not to be in it, and, you know, you mentioned, you were talking about the 37 million so-called uninsured Americans and who they really are. A lot of those are folks that make over \$50,000 a year and just say, "Thank you very much, I will pay for my health care. I do not want to pay a middleman in an insurance company to have health care." I think Americans ought to have that right.

So there are a lot of freedoms that are given away, and I think Americans are pretty wary right now of giving up freedoms.

Mr. KINGSTON. I would ask the gentleman from New York [Mr. SOLOMON], is that how folks in New York feel?

Mr. SOLOMON. Listen, you would think the gentleman from California [Mr. HUNTER] represents my people up in northern New York up there.

Mr. HUNTER. I will in the springtime. Not the winter.

Mr. SOLOMON. He sounds just like GERRY SOLOMON.

I will tell you what people up there are alarmed about. They are alarmed that some bureaucrat is going to be dictating to them who is going to deliver the medical delivery care system to them. They are terribly concerned about it. They are concerned that they are going to have to pay more for less medical services, that we just cannot allow to happen.

Mr. HUNTER. Let me just add one thing.

Incidentally, let me thank the gentleman from Georgia for making this special order happen. His deliberate analysis of this health care bill is real important.

One thing I would offer folks to think about in a commonsense way is that we are going to have 300,000 new Government bureaucrats injected into this, hired to manage health care. If we have a finite amount of money available for health care in this country and we want to have as much of it as possible being used to actually be used for treatment, that interaction between doctors and patients, well, that means that not only are we going to be continuing to pay the middlemen you talked about, the insurance guy that used to have those guys in the middle, you are going to be paying the lawyer cause the trial lawyers who own the Clinton administration are going to be getting their cut of the action, but now you are going to be paying 300,000 fine Federal workers, and you are going to be using the same finite dollars, that is, dollars that the American people earn to pay that.

The SPEAKER pro tempore (Mr. STRICKLAND). Pursuant to the Speaker's announced policy of February 11,

1994, the gentleman from New York [Mr. SOLOMON] is recognized for 30 minutes as the minority leader's designee.

THE BALANCED-BUDGET TASK FORCE

Mr. SOLOMON. Mr. Speaker, I appreciate the half-hour of the minority leader's time.

Mr. Speaker, let me just say that for a number of years now a number of us in the Congress have been so concerned about what is happening to the budget in this country and what has created these huge deficits that we, the American people and the present generation and future generations to come are saddled with, and a number of months ago a few of us, about 25 of us, formed what we call the balanced budget task force. This has nothing to do with the balanced-budget amendment. This is simply a task force put together to try to see if we could actually present to this Congress a balanced budget to vote on.

On Thursday, that is, tomorrow, the balanced budget task force will present to the U.S. Congress on this floor a balanced budget containing more than 5 specific cuts, and they are itemized right here, totaling more than \$600 billion, and that is something that they said could not be done.

Our alternative budget contains the most comprehensive list of cuts ever put before this body or any other body. We included recommendations and suggestions from the credible Concord Coalition, the Grace Commission, the Congressional Budget Office, the Citizens Against Government Waste, a whole host of individual Member initiatives, the National Taxpayers' Union, the Heritage Foundation, the Pork Busters Coalition, the reinventing government proposals, and many, many others, and this budget that we are presenting to this body tomorrow, if enacted into law, would result in a balanced budget by 1999, that is, the fifth year of this 5-year budget, and even produce a surplus in the year 2000 and the year 2001.

During the recent Senate debate on the balanced budget amendment, President Clinton and our former colleague who is now the Office of Management and Budget Director, Leon Panetta, in twisting the arms of Members of the other body to vote against the balanced budget amendment which failed by a few votes over there, made the point time and time again that we do not need a balanced budget amendment; we do not need to change the Constitution; what we need, they said, is a Congress willing to vote for a balanced budget.

Well, Congress is going to get this chance to do just that, and that is not easy, ladies and gentleman. Other critics, including Senate Majority Leader GEORGE MITCHELL, and I am ashamed

to say even some Republicans over in that other body, and we have to place blame where blame is due, those Democrats and Republicans claimed that you could not balance the budget without dipping into the Social Security trust fund, without slashing earned benefits of veterans, and without raising taxes. They said you could not balance the budget without doing those things. Well, that kind of rhetorical scare tactic was wrong then, and it is wrong now, and we prove it with this balanced budget that we are presenting tomorrow.

I invite the public and Members of Congress and the press to look at it tomorrow morning in tomorrow morning's CONGRESSIONAL RECORD. This balanced budget does not touch the Social Security retirement trust fund. It does not cut a dime from earned veterans' benefits, and I used to be the ranking Republican on the Committee on Veterans' Affairs, served on that committee for 10 years before I went over to the Committee on Rules, and was responsible for passing the legislation which created the Department of Veterans Affairs. I guess I have a fine reputation in fighting for the veterans of this Nation, and I am one, as any Member here.

But this bill does not cut a dime from veterans' benefits. And even more important, it does not raise taxes in order to balance the budget.

Instead of decimating the defense budget, it actually restores about \$50 billion proposed by President Clinton that is badly needed if we are going to be able to maintain a two-war strategy, that is going to maintain the young men and women in the best-equipped, the best army that we can produce.

In this budget, everyone will be asked to tighten their belts including Congress itself. Out budget is tough medicine. It is tough for all of us. It cuts congressional spending by 25 percent over the 5-year period. It cuts the White House spending by 25 percent over the 5-year period. It consolidates departments like the Department of Energy and the Department of the Interior which now, I think they have given some other fancy name to, Natural Resources or something. It terminates many Federal commissions. It eliminates programs like the space station which is so controversial. It privatizes programs like the National Oceanic and Atmospheric Agency which President Clinton has asked to do.

In this budget, everyone is treated fairly. We go on where we contract out items like the U.S. Printing Office, where the Federal Government has no business being in the printing business. It eliminates 90 percent of agricultural crop subsidies which the American people just do not understand. It bars financial assistance to illegal aliens. It

merges job training programs. It sells off the Government direct loan portfolio to the private sector. All of these make good business sense.

□ 2020

And in all of this belt tightening which touches every branch of Government, we only cut spending by a mere 3.5 percent, a mere 3.5 percent; yet we managed to balance the Federal budget. And this task force would ask this Congress, is a 3.5 percent over 5 years too much to ask of this body?

The American people do not think so, and we do not think so. We will ask Congress to summon the courage to vote for this balanced budget tomorrow. That vote will take place around 7:00 or 8:00 tomorrow night, probably, and during that vote, ladies and gentleman, the buck stops here on this floor. No longer can we, Members of Congress, blame the past Presidents or present Presidents or future Presidents for this deficit crisis; we can only blame ourselves if we fail to vote for a truly balanced budget.

Again, let me repeat: This budget before you balances the budget in 5 years. It cuts over \$600 billion in Federal spending with over 500 specific cuts. It does not raise taxes, it does not touch the social security trust funds, it does not touch earned veterans benefits; it does restore defense spending to a level that is necessary to maintain a decent national defense.

In the year 1999 President Clinton's budget will have an annual deficit for that 1 year alone of \$204 billion. That is \$204 billion. A billion dollars is a thousand million dollars. This is 204 times a thousand million. That is the deficit that we will incur in just that 1 year of 1999.

Our budget which we present to you has a \$5 million surplus. It is a very small amount of money, but it is a surplus as compared with a \$204 billion deficit in that year.

And when you go to the next year, the year 2000, which is only 6 years from now, the President's budget has a \$226 billion deficit, going up; and we show a \$5 billion surplus. In other words, ladies and gentlemen, we have begun to make a dent in the Federal deficit and we begin actually to pay it off. That is what the American people really want, and we do it by cutting, consolidating, terminating, eliminating, privatizing, contracting out, selling off portfolios and by belt tightening in the branches of Government.

Ladies and gentlemen, the point I want to make is that each member of our task force—and they come from all over this country, from New York, from Florida, from California, from every part of this country—and when you look through this budget, you will find things that hurt your district. But, ladies and gentlemen, if you are going to balance the budget, you have

to tighten your belts. We have proved that it can be done. I would just say that this budget that we are offering is a credible document; it has been scored by the Congressional Budget Office as being a balanced budget. It is endorsed by such prestigious organizations as the Citizens Against Government Waste, by the National Taxpayers Union, by Americans for Tax Reform, by Americans for a Balanced Budget, and dozens of other like organizations that have come out in support of this balanced budget.

That will begin to once and for all plug the dike that is hemorrhaging a sea of red ink that is slowly ruining this great country of ours and turning us into a debtor Nation.

Mr. Speaker, I am happy to say that our efforts here in this House to adopt a balanced budget have now spread to the other body. Senate Republicans are preparing right now to offer a similar balanced budget just like ours. That is going to be the official Republican alternative over in the other body, without raising taxes, without cutting social security, without cutting veterans benefits and without decimating the defense budget.

I cannot tell you how pleased I was when I saw this come across the fax machine about an hour ago. It says, "fiscal year 1995 balanced budget resolution prepared by the Republican staff of the U.S. Senate Budget Committee." Ladies and gentlemen, that is a step forward toward a balanced budget.

I do not know if we are going to succeed tomorrow because I do not know if Members of this body are going to have the guts to vote for something as tough as this because it is, again, tough medicine. But whether we win or lose, at least we have set the norm for future budget committees on both sides of the aisle in this House and in the other body, that the American people are going to get a balanced budget or they are going to know why.

I can tell you, with the elections only about 7 or 8 months from now, the thing on their minds is not health care but they are concerned about this budget deficit. They are concerned about jobs, about the economy. If we allow this deficit to continue to grow as the President's budget does, creating another \$1.5 trillion in debt added to the already \$4 trillion we have now, you are going to see inflation skyrocket, you are going to see unemployment skyrocket, and every time unemployment goes up 1 percent, it triggers in over \$40 billion in social programs at the various levels of Government.

We just cannot afford to let that happen. I would just implore Members to take a look at the budget we present to you tomorrow. The Committee on Rules a few minutes ago made in order several alternatives, one of which is this balanced budget.

There is a Black Caucus substitute which was also made in order which

does not balance the budget. There are several others.

I would just hope that Members would give this consideration and get us on the road toward finally balancing the budget in this Congress.

Mr. Speaker, I appreciate the time of the Speaker and our staffs staying this evening to allow me this opportunity to at least tell you what is going to happen tomorrow.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOUGHTON (at the request of Mr. MICHEL), for March 8, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KASICH) to revise and extend their remarks and include extraneous materials:)

Mr. WELDON, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. LEACH, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, on March 16.

(The following Members (at the request of Mr. TUCKER) to revise and extend their remarks and include extraneous materials:)

Mr. LAROCCO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KASICH) and to include extraneous matter:)

Ms. SNOWE.

Mr. PORTMAN.

Mr. COMBEST.

Mr. BEREUTER.

Mr. FAWELL.

Mr. HORN.

Mr. SOLOMON.

Mr. GILMAN.

Mr. FIELDS of Texas.

Mr. CRANE.

Mr. SMITH of New Jersey.

Mr. PORTER.

Mr. DORNAN.

(The following Members (at the request of Mr. TUCKER) and to include extraneous matter:)

Mrs. MALONEY.

Mr. HAMILTON.

Mr. CLYBURN in two instances.

Mr. COLEMAN.

Mr. MILLER of California.

Mr. LAFALCE.

Mr. RAHALL.

Mr. KENNEDY.

Mr. KLEIN in two instances.

Mr. POSHARD.

Mr. CHAPMAN.

Mr. KREIDLER.

Mr. CARDIN.

Ms. LONG.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 313. An act to amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, and for other purposes; to the Committee on Natural Resources.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 10, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2730. A letter from the Secretary of Defense, transmitting the annual report of the Reserve Forces Policy Board for fiscal year 1993, pursuant to 10 U.S.C. 113(c)(3); to the Committee on Armed Services.

2731. A letter from the Deputy Under Secretary of Defense (Environmental Security), transmitting a report that contains a plan for the termination of the operation of the Naval Air Station, Bermuda, pursuant to Public Law 103-160, section 311(b) (107 Stat. 1618); to the Committee on Armed Services.

2732. A letter from the Senior Deputy Comptroller for Administration, Comptroller of the Currency, transmitting the Comptroller of the Currency's report on compensation and benefits, pursuant to Public Law 101-73, section 1206 (103 Stat. 523); to the Committee on Banking, Finance and Urban Affairs.

2733. A letter from the Acting Director, Office of Thrift Supervision, transmitting the Office's 1994 compensation plan, pursuant to Public Law 101-73, section 1206 (103 Stat. 523); to the Committee on Banking, Finance and Urban Affairs.

2734. A letter from the Chairman, Federal Election Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2735. A letter from the President, Inter-American Foundation, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2736. A letter from the General Counsel, Legal Services Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2737. A letter from the Chairman, National Labor Relations Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2738. A letter from the Assistant Secretary for Policy, Management and Budget, U.S. Department of the Interior, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2739. A letter from the Director, U.S. Office of Personnel Management, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2740. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

2741. A letter from the Chairman, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting a report on various issues of the Safety Research Program of the Nuclear Regulatory Commission, pursuant to 42 U.S.C. 2039; jointly, to the Committees on Energy and Commerce and Natural Resources.

2742. A letter from the Secretary of Defense, transmitting a revised report on proposed obligations for facilitating weapons destruction and nonproliferation in the former Soviet Union, pursuant to Public Law 103-160, section 1206(a) (107 Stat. 1781); jointly, to the Committees on Foreign Affairs and Armed Services.

2743. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation entitled the "Regulatory Consolidation Act of 1994"; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, the Judiciary, Post Office and Civil Service, and Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 384. Resolution providing for the consideration of H. Con. Res. 218, setting forth the congressional budget for the U.S. Government for fiscal years 1995, 1996, 1997, 1998, and 1999 (Rept. 103-429). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAYLOR of Mississippi:

H.R. 3984. A bill to designate the U.S. post office located at 212 Coleman Avenue in Waveland, MS, as the "John Longo, Jr. Post Office"; to the Committee on Post Office and Civil Service.

By Mr. CRANE:

H.R. 3985. A bill to amend the Federal Rules of Evidence with respect to the rule of privileges in civil cases; to the Committee on the Judiciary.

By Mr. FAWELL (for himself, Mr. ARCHER, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. COX, Mr. CRANE, Mr. CRAPO, Mr. DEFAZIO, Mr. DOOLITTLE, Mr. EHLERS, Mr. EWING, Mrs. FOWLER, Mr. GILCHREST, Mr. GOODLATTE, Mr. GOODLING, Mr. HANCOCK, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. KING, Mr. MANZULLO, Mr. MILLER of Florida, Mr. NUSSLE, Mr. OXLEY, Mr. PAXON, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mr. SENSENBRENNER, Mr. SMITH of Texas, Mr. STEARNS, and, Mr. ZIMMER):

H.R. 3986. A bill to rescind unauthorized supplemental appropriations for fiscal year 1994, and for other purposes; to the Committee on Appropriations.

By Mr. FIELDS of Texas (for himself, Mr. STUDDS, and Mr. BEILSONSON):

H.R. 3987. A bill to provide for conservation of rhinoceros and tigers; jointly, to the Committee on Merchant Marine and Fisheries and Ways and Means.

By Mr. RAHALL:

H.R. 3988. A bill to provide for the preservation and interpretation of certain lands and structures relating to the coal mining heritage of the State of West Virginia and the Nation; and for other purposes; to the Committee on Natural Resources.

By Mr. SHAYS (for himself and Mr. FRANK of Massachusetts):

H.R. 3989. A bill to reduce domestic and defense discretionary spending; jointly, to the Committees on Science, Space, and Technology, Armed Services, Energy and Commerce, and Natural Resources.

By Ms. SLAUGHTER (for herself, Mr. ABERCROMBIE, Ms. DELAURO, Mr. EVANS, Mr. FROST, Mr. HOCHBRUECKNER, Mr. KING, Mr. KLUG, Mrs. MALONEY, Mr. STUPAK, Mr. TOWNS, and Mr. ENGEL):

H.R. 3990. A bill to provide protection from sexual predators; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.R. 3991. A bill to prohibit federally sponsored research pertaining to the legalization of drugs; to the Committee on Government Operations.

H.R. 3992. A bill to prohibit foreign assistance to Russia unless certain requirements relating to Russian intelligence activities, relations between Russia and certain neighboring countries, and the reform of the Russian economy are met; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. RAMSTAD (for himself, Mr. KENNEDY, and Mr. BLILEY):

H.R. 3993. A bill to amend title 18, United States Code, with respect to the sexual exploitation of children; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.J. Res. 332. Joint resolution designating July 27 of each year as the "National Korean War Veterans Armistice Day"; to the Committee on Post Office and Civil Service.

By Mr. JOHNSTON of Florida (for himself, Mr. WAXMAN, Mr. FROST, Mr. YATES, Mr. BERMAN, Mr. FRANK of Massachusetts, Mr. ENGEL, Mr. LEWIS of Georgia, Mr. SHAYS, Mr. FINGERHUT, Mr. BLACKWELL, Mr. SAXTON, Mr. EDWARDS of California, Mr. DEUTSCH, Mr. WYNN, Mr. PALLONE, Mr. HORN, Mr. PENNY, Mr. MARTINEZ, Mr. BACCHUS of Florida, Mrs. MEEK of Florida, Mr. CARDIN,

Ms. CANTWELL, Ms. BROWN of Florida, Mr. PAYNE of New Jersey, Mr. GEJ-
DENSON, Mr. PETERSON of Florida, Mr. WYDEN, Ms. KAPTUR, Mr. KLEIN, Mrs. THURMAN, Mr. ANDREWS of New Jersey, Mr. SYNAR, Mr. FALEOMAVAEGA, Mr. MARKEY, Mr. LEVY, Mr. LEACH, Mr. SABO, Mr. BORSKI, Mr. HASTINGS, and Mr. MENENDEZ):

H. Con. Res. 219. Concurrent resolution to support the Middle East peace process and condemn all acts of terrorism aimed at derailing that process; to the Committee on Foreign Affairs.

By Ms. SNOWE (for herself and Mr. SCHIFF):

H. Con. Res. 220. Concurrent resolution expressing the sense of the Congress on the need for accurate guidelines for breast cancer screening for women ages 40-49; to the Committee on Energy and Commerce.

By Mr. SOLOMON:

H. Con. Res. 221. Concurrent resolution declaring the sense of Congress with respect to studies and research involving the legalization of drugs; to the Committee on Government Operations.

By Mr. BILIRAKIS:

H. Res. 382. Resolution providing for the consideration of the bill (H.R. 65) to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on Rules.

By Mr. THOMAS of California (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. ROBERTS, Mr. BARRETT of Nebraska, Mr. BOEHNER, and Ms. DUNN):

H. Res. 383. Resolution amending the Rules of the House of Representatives respecting committee staff; to the Committee on Rules.

MEMORIALS

Under clause 4 of the rule XXII, memorials were presented and referred as follows:

295. By the SPEAKER: Memorial of the House of Representatives of the State of Arizona, relative to the U.S. Air Force Armstrong Laboratory; to the Committee on Armed Services.

296. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the war in Bosnia and Herzegovina; to the Committee on Foreign Affairs.

297. Also, memorial of the Senate of the State of Arizona, relative to the Santa Cruz River Basin; to the Committee on Foreign Affairs.

298. Also, memorial of the Senate of the State of Arizona, relative to erecting a statue or memorial honoring native American veterans; to the Committee on House Administration.

299. Also, memorial of the House of Representatives of the State of Arizona, relative to the Grand Canyon Protection Act of 1991; to the Committee on Natural Resources.

300. Also, memorial of the Senate of the State of Arizona, relative to tribal governments; to the Committee on Natural Resources.

301. Also, memorial of the Senate of the State of Arizona, relative to S. 433 and H.R. 918; to the Committee on Natural Resources.

302. Also, memorial of the House of Representatives of the State of Arizona, relative to the Cave Creek Canyon Protection Act of 1991; to the Committee on Natural Resources.

303. Also, memorial of the Legislature of the State of Nebraska, relative to the physical desecration of the flag of the United States; to the Committee on the Judiciary.

304. Also, memorial of the Senate of the State of Arizona, relative to north-south trade corridors and transportation infrastructure improvements; to the Committee on Public Works and Transportation.

305. Also, memorial of the House of Representatives of the State of Arizona, relative to north-south trade corridors, including the extension of Interstate 17; to the Committee on Public Works and Transportation.

306. Also, memorial of the House of Representatives of the State of Arizona, relative to the Social Security Notch Adjustment Act; to the Committee on Ways and Means.

307. Also, memorial of the House of Representatives of the State of Arizona, relative to enacting an income tax deduction for medical insurance costs of self-employed individuals; to the Committee on Ways and Means.

308. Also, memorial of the Senate of the State of Arizona, relative to the Indian Health Service; jointly, to the Committees on Natural Resources and Energy and Commerce.

309. Also, memorial of the Senate of the State of Arizona, relative to the highway trust fund and the airport and airway trust fund; jointly, to the Committees on Public Works and Transportation and Government Operations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. SHAW and Mr. CLEMENT.
H.R. 71: Mr. GILMAN.
H.R. 87: Mr. THOMAS of Wyoming.
H.R. 302: Mr. GOODLATTE, Mr. HOBSON, and Mr. FORD of Michigan.
H.R. 303: Mr. BISHOP, Mr. SHAW, Ms. ROSELEHTINEN, and Mr. TEJEDA.
H.R. 306: Mr. BOEHNER.
H.R. 624: Mr. HERGER, Mr. PACKARD, Mr. HOAGLAND, Mr. SARPALIUS, and Mr. MANZULLO.
H.R. 773: Mr. KASICH.
H.R. 894: Mr. EMERSON.
H.R. 911: Mr. SARPALIUS and Mrs. MALONEY.
H.R. 1026: Mr. FRANKS of New Jersey.
H.R. 1275: Mr. KILDEE.
H.R. 1276: Mr. KNOLLENBERG and Mr. STEARNS.
H.R. 1286: Mr. BACHUS of Alabama, Mr. FINGERHUT, Mr. POMBO, Mr. COX, Mr. WHEAT, Mr. LAZIO, and Mr. BARTLETT of Maryland.
H.R. 1349: Mr. RIDGE.
H.R. 1417: Mrs. THURMAN.
H.R. 1487: Mr. FRANKS of New Jersey.
H.R. 1583: Mr. BILBRAY, Mr. GRAMS, Mr. CALVERT, and Mr. MILLER of Florida.
H.R. 1712: Mr. UPTON.
H.R. 1886: Mr. BARCA of Wisconsin.
H.R. 2012: Mr. SOLOMON and Mr. HOBSON.
H.R. 2210: Mr. TALENT.
H.R. 2227: Mr. OBERSTAR and Mr. LEVY.
H.R. 2417: Ms. FURSE.
H.R. 2420: Mr. WALSH.
H.R. 2460: Mr. CALLAHAN.
H.R. 2623: Mr. HUTTO, Mr. GREENWOOD, and Mr. DEFAZIO.
H.R. 2641: Ms. ESHOO.
H.R. 2710: Mr. WAXMAN, Mr. BERMAN, Mr. WISE, Mr. FOGLIETTA, Mr. JOHNSTON of Florida, Mr. SWETT, and Mr. KREIDLER.
H.R. 2727: Mr. WYNN and Mr. McDERMOTT.

H.R. 2790: Mr. ACKERMAN.
H.R. 2882: Mr. DORNAN.
H.R. 2930: Mrs. CLAYTON, Mr. FLAKE, Mr. OWENS, Ms. MCKINNEY, Ms. VELÁZQUEZ, Ms. NORTON, and Ms. WOOLSEY.
H.R. 2995: Mr. KNOLLENBERG.
H.R. 3017: Mr. LIPINSKI, Mr. DORNAN, Mr. ROBERTS, and Mr. GOODLING.
H.R. 3075: Mr. MENENDEZ, Mr. ROMERO-BARCELÓ, and Mr. ACKERMAN.
H.R. 3320: Mr. MORAN.
H.R. 3333: Mr. CRAPO.
H.R. 3347: Mr. NEAL of North Carolina.
H.R. 3392: Mr. JACOBS, Mr. ROYCE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. BOEHNER, Mr. ROSE, and Mr. ORTON.
H.R. 3397: Mr. VALENTINE, Mr. MCCOLLUM, Mr. PENNY, and Mr. CALVERT.
H.R. 3465: Mr. MINGE.
H.R. 3534: Ms. FURSE and Mr. LAFALCE.
H.R. 3546: Mr. GILLMOR, Mr. GUNDERSON, Mr. MCDADE, and Mr. COLLINS of Georgia.
H.R. 3584: Mr. BARCA of Wisconsin, Mr. HUTTO, Mr. MCHUGH, Mr. MANN, Mr. MANZULLO, Mr. SARPALIUS, and Mr. TRAFICANT.
H.R. 3600: Mr. MARKEY.
H.R. 3630: Mr. GEJDENSON, Mr. BISHOP, Mr. FOGLIETTA, Mr. DORNAN, and Mr. REYNOLDS.
H.R. 3663: Mr. DIXON, Mr. MORAN, and Mr. FALCOMA.
H.R. 3745: Mrs. KENNELLY, Mr. DE LUGO, and Mr. SMITH of Iowa.
H.R. 3846: Mr. REGULA, Mr. FRANK of Massachusetts, Mr. COX, Mr. FAWELL, Mr. BARRETT of Wisconsin, Mr. SHAYS, Mr. HYDE, Mr. KLING, Mr. ZIMMER, Mr. ARCHER, Mr. PACKARD, Mr. KLUG, Mrs. ROUKEMA, Mr. KREIDLER, Mr. DORNAN, Mr. HANCOCK, Mr. CRAPO, Mr. SAXTON, Mrs. SCHROEDER, Mr. SHAW, Mr. KIM, Mr. PETRI, Mrs. MALONEY, Mr. MILLER of Florida, Mr. RAMSTAD, Mr. ROHRBACH, Mr. FRANKS of New Jersey, Mrs. JOHNSON of Connecticut, and Mr. DEFazio.
H.R. 3863: Mr. STOKES, Mr. DELLUMS, Mr. LIPINSKI, Miss COLLINS of Michigan, Mr. HILLIARD, Mr. TOWNS, Mr. MONTGOMERY, Mr. WILSON, and Mr. FROST.
H.R. 3871: Mr. WELDON, Mr. SAXTON, Mr. DORNAN, Mr. TORKILDSEN, Mr. FAWELL, Mr. MANZULLO, and Mr. SCHIFF.
H.R. 3872: Mr. LEVY, Ms. WOOLSEY, Mr. PETE GEREN of Texas, Mr. LEWIS of Florida, and Mr. YOUNG of Alaska.
H.R. 3895: Mr. MCCOLLUM, Mr. PENNY, and Mr. GORDON.
H.R. 3900: Mr. BRYANT, Mr. DEFazio, Mr. FRANK of Massachusetts, Mr. FROST, Mr. FAZIO, Mr. SAWYER, Mr. SABO, and Mr. EDWARDS of California.
H.R. 3906: Ms. PELOSI.
H.R. 3925: Mr. REYNOLDS, Mr. MONTGOMERY, Mr. PASTOR, Mrs. BYRNE, Mr. MEEHAN, and Mr. FROST.
H.R. 3929: Mr. MCDADE, Mr. LEWIS of Florida, Mr. POSHARD, Mr. EMERSON, Mr. BUYER, Mr. MCHUGH, Mr. OXLEY, and Mr. KLECZKA.
H.R. 3930: Mr. BUYER and Mr. GALLEGLY.
H.R. 3951: Mr. PAXON, Mr. HAMILTON, Mr. BLILEY, Mr. ROBERTS, Mr. UPTON, Mr. COOPER, Mr. TANNER, and Mr. WOLF.
H.R. 3978: Mr. DOOLITTLE.
H.J. Res. 113: Mr. CRAPO.
H.J. Res. 253: Mr. WISE, Mr. COYNE, Mr. MEEHAN, Mr. MARKEY, Mrs. BENTLEY, Miss

COLLINS of Michigan, Mr. DINGELL, and Mr. QUILLLEN.

H.J. Res. 264: Mr. KLUG.
H.J. Res. 287: Mr. RIDGE, Mr. QUINN, Mr. HOCHBRUECKNER, Mr. BLUTE, Mr. KASICH, Mr. BEREUTER, Mr. FROST, Mr. KLECZKA, Mr. MURTHA, Mrs. MINK of Hawaii, Mr. FALCOMA, Mrs. KENNELLY, Mr. LIPINSKI, Mr. BORSKI, Mr. BROWN of Ohio, Mr. MCDERMOTT, and Mr. HUGHES.

H.J. Res. 305: Mr. MARTINEZ, Mr. GONZALEZ, Mr. NEAL of North Carolina, Mr. MACHTLEY, Mr. BROWN of Ohio, and Mr. DIXON.

H.J. Res. 310: Mr. SCHUMER, Mr. SWETT, Ms. FURSE, Mr. SHAYS, Mr. NEAL of Massachusetts, Mr. BERMAN, Mr. MORAN, Mr. CLEMENT, Mr. MCCLOSKEY, Mr. JOHNSON of South Dakota, Mr. CONYERS, Mr. SKEEN, Mr. HYDE, Mr. MCDADE, Mr. DOOLITTLE, Mr. VOLKMER, Mr. THOMAS of California, Mr. PAXON, Mr. CRANE, Ms. DANNER, Mr. YATES, Mr. OWENS, Mr. OXLEY, Mr. BONIOR, Mr. VALENTINE, Ms. ROYBAL-ALLARD, Mr. YOUNG of Florida, Mr. UPTON, Mr. DELLUMS, Mr. HOBSON, Mrs. MEEK of Florida, Mr. NUSSLE, Mr. CONDIT, Mrs. VUCANOVICH, and Mr. MOORHEAD.

H.J. Res. 314: Mr. MURPHY, Mr. BACCHUS of Florida, Mr. CALLAHAN, Mr. DE LUGO, Mr. EVANS, and Mr. WELDON.

H.J. Res. 328: Mr. EVANS, Mr. CLAY, Mr. SOLOMON, and Mr. SAXTON.

H. Con. Res. 84: Mr. MYERS of Indiana, Mr. HUTTO, and Mrs. MORELLA.

H. Con. Res. 147: Mrs. SCHROEDER and Mrs. UNSOELD.

H. Con. Res. 148: Mr. JOHNSON of South Dakota.

H. Con. Res. 166: Mr. CLYBURN and Mr. LINDER.

H. Res. 236: Mr. PACKARD, Mr. NEAL of North Carolina, Mr. ROGERS, Mr. GALLEGLY, Mr. MEEHAN, Mr. CRAMER, Mr. PAXON, and Mr. GILMAN.

H. Res. 365: Mr. SAXTON.

PETITIONS, ETC.

Under clause 1 of rule XXII,

77. The SPEAKER presented a petition of a Free Democratic Party [FDP], Republic of Liberia, relative to United States humanitarian assistance to Liberia; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. RES. 103

By Mr. KYL:

—Strike the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Except as provided in this article, outlays of the United States Govern-

ment for any fiscal year may not exceed its receipts for that fiscal year.

"SEC. 2. Except as provided in this article, the outlays of the United States Government for a fiscal year may not exceed 19 percent of the Nation's gross national product for the fiscal year.

"SEC. 3. The Congress may, by law, provide for suspension of the effect of sections 1 or 2 of this article for any fiscal year for which three-fifths of the whole number of each House shall provide, by a rollcall vote, for a specific excess of outlays over receipts or over 19 percent of the Nation's gross national product.

"SEC. 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for repayment of debt principal.

"SEC. 5. The President shall have power, when any Bill, including any vote, resolution, or order, which contains any item of spending authority, is presented to him pursuant to section 7 of Article I of this Constitution, to separately approve, reduce, or disapprove any spending provision, or part of any spending provision, contained therein.

"When the President exercises this power, he shall signify in writing such portions of the Bill he has approved and which portions he has reduced. These portions, to the extent not reduced, shall then become a law. The President shall return with his objections any disapproved or reduced portions of a Bill to the House in which the Bill originated. The Congress shall separately reconsider each such returned portion of the Bill in the manner prescribed for disapproved Bills in section 7 of Article I of this Constitution. Any portion of a Bill which shall not have been returned or approved by the President within 10 days (Sundays excepted) after it shall have been presented to him shall become a law, unless the Congress by their adjournment prevent its return in which case it shall not become law.

"SEC. 6. Items of spending authority are those portions of a Bill that appropriate money from the Treasury or that otherwise authorized or limit the withdrawal or obligation of money from the Treasury. Such items shall include, without being limited to, items of appropriations, spending authorizations, authority to borrow money on the credit of the United States or otherwise, dedications of revenues, entitlements, uses of assets, insurance, guarantees of borrowing, and any authority to incur obligations.

"SEC. 7. Sections 1, 2, 3, and 4 of this article shall apply to the third fiscal year beginning after its ratification and to subsequent fiscal years, but not to fiscal years beginning before October 1, 1999. Sections 5 and 6 of this article shall take effect upon ratification of this article."

S.J. RES. 56

By Mr. MARKEY:

In the enacting clause, strike, "April 12, 1993," and insert "April 11, 1994,"

Page 2, line 3, strike "April 12, 1993," and insert "April 11, 1994,"

EXTENSIONS OF REMARKS

SENSE OF CONGRESS TO SAVE
WOMEN'S LIVES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Ms. SNOWE. Mr. Speaker, today I address the National Cancer Institute's revision of its mammography screening guidelines for women in their forties. As co-chair of the Congressional Caucus for Women and as a woman, I want to express my extreme concern about the National Cancer Institute's statement that experts do not agree on the role of routine screening mammography for these women because randomized clinical trials have not shown a statistically significant reduction in deaths for women under age 50.

I call on the National Institutes of Health to rescind its recent statement for mammography screening of women ages 40 to 49 and continue to issue new guidelines when clear evidence warrants a change. Today I am introducing a sense-of-Congress resolution to advance this view and to express the need for adequately designed and conducted studies for women ages 40 to 49 through mammography and other emerging technologies.

As we embark on health care reform, the Congressional Caucus for Women's Issues has been particularly mindful of the need for comprehensive health care for women. I am reminded of an old adage that an ounce of prevention is worth a pound of cure. A recent study has concluded that many women are not getting basic preventive care. More than one-third of the women interviewed by the commonwealth fund had not had any routine preventive care services in the year before they were surveyed. Women reported that they lack information from their doctors. Public information is sorely needed on how women can prevent and protect themselves against illness and disease.

Although the board of scientific counselors for the NCI's division of cancer prevention and control concluded that there was not a statistically significant benefit from routine mammography screening for women ages 40 to 49 after reviewing eight major studies, the National Cancer Advisory Board overwhelmingly voted to maintain existing guidelines. Nonetheless, the NCI chose to rescind guidelines for women in their forties based on what Dr. Broder stated were the "scientific facts."

That may be an accurate statement, but on what are these scientific facts based? On inconclusive evidence, on eight randomized clinical trials with too few women to prove a benefit for women in their forties. There have been no adequately designed and conducted studies of the benefit of screening mammography for women in this age group. For example, in the National Breast Screening Study of Canada, the only study designed to evaluate screening of women in their forties, the study was not completely blind and a disproportion-

ate number of women with advanced cancers were allocated to the screening group, compromising the ability of the study to demonstrate a screening mammography saves lives, we are waiting until we have foolproof scientific evidence? I reject this option.

I understand that the NCI considers itself a premier research institution. But, what kind of research are they performing? And on what are they basing their conclusions? Why, at this time, did they change their views, when there is no basis for denying the potential effectiveness of screening mammography for women in their forties? Why did they not come out and support clinical trials for women in this age group?

I contend that a major reason is economic. It is less expensive not to routinely screen women in their forties. Instead of utilizing that ounce of prevention at their disposal, NCI has opted out of good sense and good science. Instead, it has changed its views based on inadequate evidence. For far too long, women have been shunted aside in medical research because of cost. This is no longer acceptable. With thousands of women dying of breast cancer each year, and with health care reform at its inception, we must assure women that adequate research will be conducted not only on finding a cure to end the scourge of breast cancer, but also on the effectiveness of early detection.

Recently, the National Cancer Advisory Board passed a motion recommending that the NCI not involve itself independently in setting health care policy. When NCI rescinded its guidelines for women in their forties, a void in health care policy was created. Within the Government, decisions must be made as to how and where health care policy is set. Not only the quality but the length of lives depends on it. We must weigh in on the side of an ounce of prevention for women with breast cancer because we cannot afford to do otherwise. American women are entitled to no less.

THE SUMTER HIGH SCHOOL
MARCHING BAND

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the Sumter High School Marching Band of Sumter, SC, for being recently chosen as a laureate of the prestigious Sudler Shield.

The Sudler Shield is an international award administered by the John Phillip Sousa Foundation and is named for Louis and Virginia Sudler, who provide the endowment for this honor.

The Sumter band is the sixth group to be honored in the 6 years of the award program. Previously a winner of the Sudler Flag of Honor for continued excellence in symphonic band, Sumter High School now becomes the

first band program in the world to be honored as a laureate for both the concert band and marching band.

Previous winners are from Tennessee, Pennsylvania, California, Kentucky, and Japan.

The award consists of a wooden plaque for the school, a miniature plaque for the director, a diploma of honor for the director and a certificate for each band member.

My congratulations to band directors Joseph Allison, Brian Lambeth, and Joni Brown, and to the over 240 students in the Sumter High School band programs.

TRIBUTE TO MILT NEIL

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to Mr. Milton Neil who on March 23 will be given the Paul Harris Award. I am very proud to join the Wayne Rotary in honoring him for his many accomplishments.

Mr. Neil graduated from the Pratt Institute in Brooklyn in 1935. He then went to work at Walt Disney Studios and worked on such projects as "Snow White," "Fantasia," "Pinocchio," and "Dumbo." In addition, he specialized in "Der Fuehrer's Face," a Donald Duck short which won an Academy Award.

During World War II, Mr. Neil directed educational films on aerial bombing evasive maneuvers, bombing procedures, and other military films.

After the war, Mr. Neil created the Howdy Doody characters for television. He also designed many toys and games. In 1983, Mr. Neil turned to teaching animation, and in fact, many of his students are now working at major studios.

Presently, Mr. Neil is producing animated educational films, such "How to Animate" and various children's films. He also launched an intensive animator development program at Walt Disney Studios teaching artists the principle of animation.

I know that Mr. Neil has brought joy to millions of Americans, and it is with great pleasure that I ask my colleagues to join me in wishing him a wonderful day.

HUDSON FALLS POST 574 CELEBRATES AMERICAN LEGION'S
75TH BIRTHDAY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. SOLOMON. Mr. Speaker, the commander of American Legion Post 574 in Hudson Falls, NY, signed the invitation letter "Yours for God & Country."

And that, Mr. Speaker, is what the American Legion has always stood for. I deeply regret

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that a previous obligation will keep me from attending Post 574's celebration of the Legion's 75th birthday, because the post is typical in its promotion of pride, patriotism, and volunteerism. Those are the things, Mr. Speaker, that have made America the greatest and freest Nation on Earth, and groups like Post 574 have been out front displaying those virtues.

Mr. Speaker, we are a Nation of citizen-soldiers, and in my opinion, the American Legion has been one of the bridges between the two groups, addressing the interests of those who have served their Nation with pride for 75 years.

I will always be indebted to the American Legion for its vital help on my bill elevating the Veterans' Administration to a full Cabinet-level Department of the Federal Government. When that bill passed both Houses of Congress, and when President Ronald Reagan signed it in 1988, it was a victory for our veterans and a tribute to the contribution of the American Legion.

On a local level, it has been my privilege to know and work with many members of Legion Post 574 in Hudson Falls. I respect them as fellow veterans, and value them as friends.

And so, Mr. Speaker, I ask you and other members, especially those who are fellow legionnaires, to join with me in saluting Hudson Falls Post 574 of the American Legion for everything they have done for community and country.

HEALTH CARE REFORM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues two editorials regarding health care reform which appeared in the Norfolk Daily News on February 22, 1994, and March 2, 1994. While the editorial from March 2 suggests that legislative actions on this issue are not necessary, this Member would like to state that he believes legislative reforms to our health care system are needed. These are indeed considerate commentaries as Congress considers this important issue.

The editorial follows:

It's worth noting that the cost of health care in the United States grew at the lowest rate in more than a decade in 1993. Total health care costs rose 5.4 percent last year, which was still twice the rate of inflation in 1993, but far less than in some recent years. According to the Health Governance Digest, the decline in the rate of health care inflation should not come as a surprise. Health care cost growth has a history of slowing significantly in the face of potential health care reform.

"In the late 1970s, health cost growth declined precipitously in response to increasing government calls for cost containment but skyrocketed again once the threat of massive government controls had passed," the Digest recently reported. "Costs grew at a rate of 6.3 percent in the first half of 1993, only at a rate of 4.4 percent for the last half of the year, when health care reform was a clear focus of the Clinton administration and the media."

It's also worth noting that the insurance industry in the United States is making moves toward solving the problem of port-

ability of health insurance coverage and also has offered several proposals on how to provide coverage to those Americans currently uninsured.

The skyrocketing cost of health care, insurance portability and lack of coverage for a small percentage of Americans have been identified as three of the biggest reasons behind the need for health care reform. But as already noted, progress is being made on all three of the issues without any legislation being passed in Congress.

It's perhaps fair to argue that this progress would not have been achieved—at least not this quickly—if the Clinton administration had not helped to focus the attention of the United States on the topic of health care reform. If that is true, then the administration deserves some credit for at least shining the spotlight on problems needing to be addressed.

What the administration does not deserve praise for, however, is trying to solve those problems by radically changing the health care system in the United States to one that more closely resembles a socialistic system with major quality and rationing problems, to say nothing of a healthy tax bite to pay for it all.

It's possible that the "health care crises"—as the Clintons like to refer to it as—can be adequately resolved without legislation. What may be needed, however, is some federal oversight to ensure that the voluntary measures being considered throughout the health care industry will remain in place after the public attention on this issue fades.

[From the Norfolk Daily News, Feb. 22, 1994]

To make the point that there is a health-care crisis, Hillary Rodham Clinton said she had met living proof of one earlier in a day when she spoke to a gathering in Las Vegas.

She used the example of Pamela Hinkley, 34, who is pregnant and the mother of four children. She said Mrs. Hinkley is considering going without an anesthetic when she gives birth the next time because that would cost her \$1,200. Mrs. Hinkley requires epidural injections because she gives birth to 10-pound babies, and during her last delivery needed two such injections.

"I'll tell you," Mrs. Clinton told her audience, "the people in Washington who are saying there is no health-care crisis, their wives don't have to worry about whether they can afford an epidural."

It is but one of many examples of extraordinary medical expenses affecting individuals and families. Those expenses can cause severe hardship and even result in bankruptcy, rare as it is to be the result of doctors' and hospital bills alone.

The federal government has stepped in to help alleviate some such distress, notably in the case of patients requiring the once-experimental dialysis and kidney transplants with a special program to shield victims and their families from the costs. It has been a successful program—and one reason the federal medical bill is higher.

But that was the sort of special program that found the federal government reacting in a limited and effective way to improve care and help families avoid catastrophic costs.

That is what the example Mrs. Clinton cited proves: a need for special assistance to help individuals avoid catastrophic expenses.

A new health-care program requiring more than 1,600 pages to describe in law—with thousands more pages needed for subsequent regulations to carry out the law and demanding the equivalent of a \$400 billion tax increase—should not be necessary when there are less complicated and even less expensive ways to assist individuals such as Mrs. Hinkley.

Such case histories only prove the need to focus on assistance for medical catastrophes, not to dismember today's effective health care system.

POST OFFICE INVESTIGATION SWEEPED UNDER THE RUG

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. PORTMAN. Mr. Speaker, if the House of Representatives is to continue to be trusted to police itself, allegations of wrongdoing—especially those as serious as those raised in connection with the House post office—must be pursued with vigor and speed. This institution, if it is to maintain its ability to govern, must first show it can govern itself. The House must not be party to a coverup. The post office scandal has now festered in the House for more than 2 years, and still, there are some Members who would prolong a full investigation despite the American public's deafening cries for accountability in Congress.

Last week, the House voted to reject a privileged resolution by my colleague, Mr. ISTOOK, to instruct the Ethics Committee to begin an immediate investigation of the House post office. The proposal was not that this investigation hinder the Justice Department probe; in fact, it would be done in coordination with the U.S. attorney's ongoing investigation into the possibility of criminal behavior. The House ethics investigation would have simply determined whether House rules were broken or public funds were embezzled by Members of Congress who used the House post office. Such an investigation should have taken place early on—not having happened, it should now be undertaken as soon as possible.

But instead of voting to get to the bottom of this insidious matter that hangs over the House, 238 Members voted to do nothing.

Only last July, former House Postmaster Robert Rota pleaded guilty to embezzlement and conspiring with Members of Congress to exchange postage stamps for cash. Rota detailed an elaborate scheme in which he allegedly gave several Representatives cash from post office funds, while making it appear they were buying stamps for official use. He revealed that this arrangement had been going on since 1979.

Since 1979. And yet, some Members of the House think it's better to hold off on an internal ethics investigation.

The House is back to business as usual politics. If this were a private business, you can bet a criminal investigation would not stand in the way of an internal review. How can Congress, which has given itself the authority to police itself, adhere to anything but the highest ethical standards? Why does this body even have an ethics committee if a majority of Members are bent on stonewalling its investigations?

While the Justice Department looks into the possibility of criminal behavior at the House post office, it is the unique responsibility of Congress to investigate the possibility of unethical behavior on the part of its Members. There is ample precedent showing that such an internal probe, properly carried out, need not interfere with any Federal prosecution.

There is simply no legitimate reason to hold up this investigation. To do so, only gives it the appearance of a coverup. Members of Congress must prove that they are capable of cleaning their own house, not sweeping important issues under the rug. Only by adhering to the very highest ethical standards can Congress salvage what's left of the public trust.

CONGRATULATIONS TO SAM AND HELEN GARNATI ON THEIR 50TH ANNIVERSARY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to dear friends from my district, Sam and Helen Garnati, who on April 13 will celebrate their 50th wedding anniversary. In an era where families find it harder and harder to stay together, the Garnatis are certainly deserving of this recognition for their 50 year union.

Sam and Helen have actively contributed to community life in southern Illinois participating in social, civil, and religious affairs on a regular and dependable basis. Sam retired with the rank of sergeant after 34 years of duty as an Illinois State trooper and the distinct honor of serving as president of the Illinois Police Association. As a World War II veteran, Sam has been an active participant with the American Legion and the VFW. Helen, in addition to her role as a wife and mother of two children, retired from the Olin Corp. after 17 years of service. Helen is cofounder and director of the Herrin Food Pantry and a volunteer at the Child Advocacy Center. When Sam and Helen are not traveling or visiting their cottage on Lake Egypt, they are spending their time as active members of Our Lady of Mt. Carmel Church in Herrin, IL.

Their commitment to those around them and to each other is a shining example of what is good and right about our Nation. I am honored to know Sam, Helen, their children Charles and Karla and their families, and I wish them the greatest happiness on their very special day. May we all live such rich and distinguished lives as Sam and Helen Garnati.

TEXAS TECH UNIVERSITY LADY RAIDERS 1994 SOUTHWEST CONFERENCE CHAMPIONS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. COMBEST. Mr. Speaker, today I rise to pay tribute to the Texas Tech University Lady Raiders on capturing their third consecutive southwest conference [SWC] women's basketball championship. The Lady Raiders, guided by the gifted head coach Marsha Sharp and her coaching staff crushed Texas A&M 109-75 in Lubbock, to bring home Texas Tech's third consecutive regular season SWC championship.

The 1993-94 Lady Raiders had the difficult job of following in the footsteps on Tech's 1992-93 NCAA national championship team

led by superathlete Sheryl Swoopes. The 1993-94 Lady Raiders not only met the challenge, but they won 24 of 27 regular-season games and remained ranked among the top 10 teams in the Nation throughout the season. The number 6 ranked Lady Raiders won its final 7 regular-season games by an average margin of 25.6 points.

In the past 12 record setting seasons at Tech, head coach Marsha Sharp has created one of the most elite women's basketball programs in the Nation. Sharp has coached the Lady Raiders to 267 victories in the past 12 seasons, including 7 trips to the NCAA tournament and 3 consecutive SWC championships and lastly the 1993 NCAA women's basketball national championship. Along the way, Sharp has picked up an unprecedented third southwest conference coach of the year award and named national coach of the year by two national organizations.

I wish the Lady Raiders the best of luck as they progress through the SWC tournament this week and march onward towards the final four in Richmond, VA. As we say in Lubbock, we love ya Lady Raiders.

THE OWLS' WHIST CLUB

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the Owls' Whist Club of Charleston, SC, an organization of distinguished gentlemen that recently celebrated its 80th anniversary and is perhaps the oldest social club of its kind in the United States.

The Owls' Whist Club held its first meeting in February 1914 at the residence of Frank W. Dawson of 195 Smith Street, in Charleston, SC. Membership was limited to 16 and the purpose of the club was strictly social. Meetings were held at members' homes. The game of whist was played at each meeting, followed by an evening of socializing.

On the group's 25th anniversary, club members voted to raise money to build its own club house for regular meetings and entertainment. In 1947, the club house became a reality and membership was increased to 36.

Today, the Owls' Whist Club membership represents a distinguished list of African-American men from various walks of professional life—doctors, attorneys, accountants, educators, public servants.

I commend the Owls' Whist Club on its 80 years of brotherhood and on being able to maintain its status as one of Charleston's premier social organizations.

IN HONOR OF VFW POST 2906

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to John Hand Tri-County, VFW Post No. 2906, Pompton Lakes, NJ, Veterans of Foreign Wars of the United States. I am very proud to extend my congratulations to all the past and present members as they honor their 60th anniversary.

Post No. 2906 is celebrating 60 years of service to veterans, their families, and the communities of Passaic County. The post was formed by the diligent work of the four original members: Schuyler Sisco, George Post, Vincent Gregory, and Charles Dunay. It took these men 2 years to receive a charter when it organized on March 3, 1934. The post was named John Hand because he was the first to give his life during the First World War. A ladies auxiliary was formed and chartered on September 19, 1940.

Meetings in the early years were held in various places. Eventually, the post grew in size and prestige.

Fortunately, Mr. Charles M. Cowdrey donated property in honor of his wife, Freda Cowdrey, in 1950. Construction for the present home began in 1951, and the building was dedicated on Memorial Day in 1952. A lot of willing hands and sweat from all members went into construction at that time, including the old and young.

On October 4, 1976, Post No. 2906 received their perpetual charter. Over the years, the post has remained quite active, in particular by sponsoring a drum and bugle corps, baseball, soccer, and bowling teams, the Boy Scouts, and picnics and dinners for veterans. Moreover, they have assisted churches with food programs for the needy.

The Borough of Pompton Lakes has truly benefited from their dedication. It is with great pleasure that I ask my colleagues to join me in honoring John Hand Tri-County VFW Post No. 2906.

STICK TO THE FACTS, PASS LOBBY REFORM

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Ms. LONG. Mr. Speaker, I have been amazed at the significant disinformation presented recently as fact—in an editorial by the New York Times, in an article which appeared in Roll Call, and in a letter from Common Cause President Fred Wertheimer. I am also amazed that some Members who supported a \$20 gift limit are now critical of legislation that bans all gifts because it does not go far enough. It appears that some are more interested in having a glitzy Congress-bashing issue than in passing major reforms to our current lobby laws.

It is a shame, especially because those who oppose any reforms are loving every minute of the nitpicking in hopes that no bill will be passed.

For the better part of last year, JOHN BRYANT, the chairman of the Judiciary Subcommittee on Administrative Law and Governmental Relations, worked to craft a thoughtful piece of legislation on this issue—despite pressure from many Members not to do so. The bill was approved by his subcommittee before we adjourned last year—with unanimous and bipartisan support.

The Bryant bill would make a number of major changes to current law. They are significant improvements in my opinion. The bill would, in fact, ban lobbyists from giving Members and staff meals, entertainment, gifts and travel-related expenses.

Critics of the Bryant bill do the Congress and the public a disservice to this issue by distorting the bill's strong provisions.

Specifically, Common Cause, the New York Times, and Roll Call state that the Bryant bill would allow lobbyists to pay for golf, tennis, skiing, and other recreational trips.

They are wrong. The bill bans such gifts. It only allows any such expenditure when a company pays—not a lobbyist—and only to attend an event sponsored by a charitable organization. Moreover, the bill requires disclosure of any such expenditures every 6 months to ensure against abuse.

The second fallacy is based upon the assertion that the family relationship and personal friendship exception in the Bryant bill could be used to continue gift-giving—even by those who are not truly friends of Members or staff. This is also incorrect.

The bill currently provides that a gift given by a lobbyist to a Member or staff does not qualify for the exception if the lobbyist is reimbursed by an employer, firm or client for the value of the gift, or deducts the value as a business expense on his or her taxes. The bill also considers the history of the relationship, including whether gifts have been exchanged in the past, in determining if a gift qualifies for this exception.

Some of those who criticize the Bryant bill may be looking for a soapbox instead of a policy change. It is unfortunate that they ignore the facts in their quest for exposure.

Mr. Speaker, I hope my colleagues will not be sidetracked by fallacious assertions and that you will support those of us who want to pass this significant legislation.

HELP OUR COPS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. CRANE. Mr. Speaker, today I am introducing legislation designed to ensure that police officers will be able to seek and secure psychiatric counseling to assist them in dealing with the unusual stresses of their profession.

A village in my district, Hoffman Estates, IL, recently became a victim of the Federal court system. On June 27, 1991 then village police officer Marylu Redmond shot and killed Ricky Allen in the line of duty. As a standard procedure, the village provided the officer with a licensed social worker, Karen Beyer, to deal with the trauma of taking the life of another human being. Confidentiality was assured since a State statute held that it would be a criminal offense to violate the privilege between counselor and patient. While the officer's action was found justifiable by the country prosecutor, a civil suit under 42 U.S.C. 1983 was filed by the family of the offender and a second count for wrongful death under State tort law was filed.

During the trial, U.S. District Court Judge Milton Shadur ordered Miss Redmond and Miss Beyer to release the records of their more than 60 counseling sessions. When both refused, Judge Shadur placed Miss Redmond in contempt and, as a sanction, ordered the jurors to presume that the records, which were never given to the court, be considered as

damaging to Miss Redmond's credibility. As a result of this ruling, the jury found that Miss Redmond has violated Mr. Allen's civil rights. Miss Redmond was then ordered to pay \$45,000 to the estate of Mr. Allen for the civil rights violation, and the village and Miss Redmond were ordered to pay \$500,000 for the State wrongful death tort action.

According to rule 501 of the Federal Rules of Evidence, a State privilege, in this case the privilege between a licensed social worker and a client, is recognized only at the discretion of the court. While Judge Shadur could have recognized this privilege which must be honored under State law, he chose not to do so. My bill will ensure that State rules of evidence on privileges apply in cases such as Miss Redmond's where she was charged with a constitutional violation under 42 U.S.C. 1983 which requires that a police officer act under color of State law.

As the attorney for Hoffman Estates, Richard Williams, noted, "no police officer or person may now safely and securely seek psychiatric counseling or assistance without being subject to a Federal Court ordered denial of privilege." As a result of the recent Federal prosecutions of the police officers involved in the Rodney King case in Los Angeles, State and local governments and their police agencies are under even more scrutiny. If this practice ordered by Judge Shadur becomes more prevalent, police agencies must either deny their officers much needed help, or risk suit in Federal court. I believe that Congress should recognize the privilege created by those States which provide their police officers with proper and privileged counseling.

I ask my colleagues to support me in this effort to protect our State and local governments and their police agencies. We must not allow such an injustice to continue.

THE NEED FOR PEACE IN THE TRANSCAUCASUS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. KENNEDY. Mr. Speaker, yesterday, representatives of Armenia, Azerbaijan, and Nagorno-Karabakh signed a ceasefire, raising hopes again for an end to a conflict which has cost 15,000 lives and left a million refugees over the past 6 years. Unfortunately, ceasefires have broken down in the past and the people of Armenia are suffering through another winter, short of food, heating fuel, and electricity, because of the brutal blockade imposed by their neighbors.

The United States must remain active in urging all the parties to the conflict to honor the current ceasefire and agree to further negotiations for a peaceful resolution to the conflict. And we must continue to insist that Azerbaijan and Turkey end the blockade of Armenia.

I would like to commend to my colleagues a recent editorial in the Boston Globe, which eloquently describes the costs of this conflict and the need for us to do what we can to bring it to an end.

[From the Boston Globe, Feb. 9, 1994]

THE INVISIBLE WAR IN KARABAKH

Hundreds of thousands of refugees displaced by war, Villages of one ethnic and re-

ligious group destroyed by the army of another. Children hacked in half, women raped, civilian populations pounded daily with rockets, artillery shells and cluster bombs.

This is not the siege of Sarajevo but the hidden horror of Azerbaijan's war against the Armenians of Nagorno-Karabakh. The inhumanity of this war can hardly be hidden from the victims—neither from the innocent Azeri villagers driven from their homes nor from the Armenians of Karabakh who have been subjected to ethnic cleansing. The horror has been hidden only from the cameras that can impassion spectators in the global village.

Attention must be paid to the victims of this war. Refugees on both sides must be able to return to their homes. The Turkish and Azeri blockades of Armenia must be lifted so that children and the elderly no longer freeze to death in Yerevan.

The governments in Washington, Moscow and Europe have a humanitarian duty to end the suffering. Moreover, if they were sage enough to fear the perilous precedent created by their indifference—and if they understood the meaning of the mercenaries attracted from Afghanistan, Iran, Russia and the West—they would act on their strategic interest in fostering a negotiated peace.

Until now, Russia has been selling weapons to both sides, using the tragedy of Armenians and Azeris to retrieve Moscow's dominion over a lost sphere of influence. The government in Istanbul has pandered to popular feelings of kinship with the Turkic people of Azerbaijan. Western nations, avid for oil concessions from Baku, have pretended that Azerbaijan's brief for preserving the boundaries legated by Stalin justifies the ethnic cleansing of Karabakh.

US envoys and the Conference on Security and Cooperation in Europe have dabbled at peacemaking, but their efforts have been too timid, too solicitous of Azeri, Russian and Turkish preferences. Children are being massacred, and the Western governments act as though they do not know for whom the bell tolls.

PULASKI ASSOCIATION OF BUSINESS AND PROFESSIONAL MEN, INC. HONORED FOR PUBLIC SERVICE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to recognize the outstanding achievements of an organization which has contributed so much to the great Borough of Brooklyn and the city of New York.

Since it was founded in 1959, the Pulaski Association of Business and Professional Men, Inc., has sought to improve the standing of Polish-Americans throughout New York and the United States. Its work on behalf of Polish-Americans has been critical to the prosperity of this remarkable immigrant community, including the large community in the North Brooklyn neighborhoods of my district.

Over the past three and half decades, the Pulaski Association and its members have been committed to maintaining the high standards of honor, excellence, and patriotism on which it was founded. As a central part of these efforts, every year the Pulaski Association gathers to pay tribute to one Polish-American who exemplifies these values,

In addition to these good works, the Pulaski Association strives to provide social services to its members. By working for greater cultural and social awareness, the Pulaski Association has successfully improved the quality of life of Polish-Americans throughout the country.

Because of its tremendous contributions to the Polish-American community, I hope my colleagues will join me in congratulating the Pulaski Association on 35 years of outstanding service and wish it another 135 years of continued success.

PASS A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. PORTER. Mr. Speaker, opponents of the balanced budget amendment cannot seem to get their arguments straight. They say the amendment is not needed because the Government is already capable of balancing the budget, but seem unmoved by the fact that we have not had a balanced budget since 1969. They say the amendment would tie the Government's hands in times of recession, but conveniently forget the fact that we have run deficits each year since 1969 regardless of whether the economy is up or down. Finally, Mr. Speaker, they call the amendment a meaningless gimmick which Congress will circumvent, but predict chaos and calamity if it passes and becomes law.

Mr. Speaker, the fact that these opponents cannot argue consistently says volumes about the strength of their position. On the other hand, we should not delude ourselves. The balanced budget amendment will not solve the deficit problem if Congress truly wants to circumvent it. Congress' record with the Gramm-Rudman law puts this possibility into sharp focus.

Therefore, Mr. Speaker, while I support the balanced budget amendment because its passage would hold Congress' feet to the deficit reduction fire, in the end our strong commitment to the amendment's principles coupled with the courage to follow those principles in the face of contrary pressures are to the only real answers to our fiscal problems. I strongly urge my colleagues to support passage of the balanced budget amendment.

LEGISLATION TO ELIMINATE THE "PORKIEST OF PORK" FROM DIS- ASTER RELIEF FUNDS

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. FAWELL. Mr. Speaker, while the recent Los Angeles earthquake reached 6.6 on the Richter scale, the emergency supplemental earthquake assistance bill that followed hit over \$33 million on the pork scale. The San Andreas Fault appears to have spread as far east as New York City, and as far west as Hawaii. Today, I am introducing legislation, along with 33 of my colleagues, to eliminate the fol-

lowing projects which we found tucked away in the appropriations bill after it was rushed through Congress.

The aftershocks include: \$20 million to add 500 employees at the FBI fingerprint facility in West Virginia. This appropriation was never authorized and was not requested by the President in his budget; \$1.5 million for the first commercial nuclear powered ship, the *Savannah*. The *Savannah* has developed hull problems, and the tax money will be used to secure the vessel at a Maritime Museum in South Carolina; \$10 million to design the James A. Farley Post Office in New York City for use as a train station and commercial center. A 1992 law specifies that no Federal funds are to be used for this project; this new law may override the original prohibition; and \$1.3 million redesignating a Housing and Urban Development special purpose grant to go to Hawaiian sugarcane mill communities.

When the earthquake bill came up for a vote, we were assured that the bill was clean and that the funding in the bill was strictly of an emergency nature. Many who voted for the legislation did so out of compassion for helping those who lost so much in the tragedy of the earthquake; not to appropriate millions of dollars on a legislative Christmas tree.

These disaster relief bills are to be for emergencies that could not have been anticipated in the regular appropriation bills. The only lid we have on Federal expenditures are spending caps that limit how much can be spent each year.

But Congress' purveyors of pork have found a way around these caps. Emergency supplemental appropriation bills are not subject to these caps. These bills fly through Congress like greased lightning, creating the perfect conditions for pork barrel projects. The projects thrive in bills that are put together in the back rooms of Congress by a few powerful appropriators. This bill was not even printed until after the final vote. Even if it had been printed, it moved through Congress so fast, no member had time to read every provision.

Pork barrel projects' worst enemy is the light of publicity. And, with the help of our porkbusters coalition, and my colleagues and I plan to bathe these projects in that light. Some commentators lament that these projects are only a few drops in an ocean of red ink and, therefore, insignificant. I could not disagree more. In fact, it is these pieces of pork, doled out by powerful appropriators, that grease the Federal Government's massive spending machine.

Some Members of Congress are afraid to vote for cutting any programs, or voting for a balanced budget amendment, for fear of offending powerful appropriators and losing their piece of pork. So while these projects may look small relative to all Federal spending, they loom very large indeed in terms of creating an unbreakable culture of overspending. I urge my colleagues to cosponsor the bill I am introducing today, so that we can eliminate the porkiest of pork projects, and send a message that business as usual will not be accepted.

Mr. Speaker, we must break the cycle of "you fund my project and I won't cut yours." And, I'm confident we will. But, if we do not, the aftershock will not be just taxpayer outrage, but a different type of disaster: an economy so strapped with debt it cannot grow.

SERVICE SECRETARIES REIT- ERATE NEED FOR C-17 AIRCRAFT

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. HORN. Mr. Speaker, recently, in testimony before the House Committee on Armed Services, Secretary of the Air Force Sheila Widnall and Secretary of the Army Togo D. West, Jr., reiterated support for the C-17 airlift program. Calling the airplane an essential element of military modernization programs, Secretary Widnall's testimony states:

The C-17 is a major part of our modernization effort and will significantly improve our ability to get forces quickly to the fight. It will fulfill the airlift customer's need for a flexible, responsive airlifter able to deliver forces and outsized equipment to small, austere airfields, and to airdrop troops and equipment over an objective area. The Air Force will procure six C-17's this year toward a fleet of 40 aircraft as announced by the Secretary of Defense in December 1993. In 1995, we will reevaluate the program's maturity and determine the optimum mix of additional C-17's and nondevelopmental aircraft to meet our airlift needs as we retire the workhorse C-141.

Army Secretary West, in discussing strategic mobility said:

Strategic lift initiatives of the other Services are critical to Army power projection. These include procurement of an enhanced airlift capability like that provided by the C-17 Globemaster III aircraft, procurement of Large Medium Speed Roll On Roll Off [LMSR] ships, and the upgrade of the Ready Reserve Force. Great progress is being made in this arena. The Air Force has taken delivery of 5 operational C-17's and will activate the first squadron of 12 aircraft in July 1995.

Mr. Speaker, the men and women of McDonnell Douglas Corp., are working hard to correct the problems that have occurred on the C-17 program. Both the Defense Department and the Congress are exercising strong oversight of the airplane. I am confident that this partnership will ensure accountability, quality, and ultimately the core airlift airplane envisioned by Secretary Widnall and Secretary West and desperately needed by our Armed Forces.

TRIBUTE TO SUNNE McPEAK

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. MILLER of California. Mr. Speaker, in a few days, Sunne Wright McPeak will leave the board of supervisors of Contra Costa County, CA, after serving for nearly 16 years. I wish to take the floor to pay tribute to what has been a truly extraordinary career in public service, and one that I hope—along with thousands of other Contra Costans—is not yet complete.

Supervisor McPeak has been rightly viewed as a leader among the new generation of women in politics. Her areas of accomplishment, interest and expertise cover almost every critical local, state, and national policy issue, and it is no exaggeration to say that, in most areas, she has been in the forefront of innovative policy development.

Sunne earned her greatest recognition, perhaps, as the organizer of a statewide campaign to halt construction of a horrendous water project—the Peripheral Canal—in the early 1980's. No challenge could have been more formidable. Almost every powerful interest group in our State, including the Governor, the legislature, much of the business community, the agricultural community and many others were arrayed against her. Yet with a deftness and persistence her opponents could not have imagined, Sunne won that fight and the Peripheral Canal was soundly, and wisely, defeated.

Sunne did not rest on that historic victory, but went on to build a positive achievement from the remnants of that bitter fight, the 12 county Committee for Water Policy Consensus, that has played an important role not only in the enactment of the 1992 CVP Improvement Act, but in moving the entire debate over water policy in California forward.

I have worked closely with, and valued the expertise and political judgment of, Sunne McPeak for many years—on child care, education, toxic materials, women's issues, environmental issues, health policy and much more. What is truly remarkable is her thorough familiarity with the details and complexities of each of these critical areas of public policy. And in each, she has made a major contribution.

Sunne will doubtless continue to play a major role in the policy debate in our State as the new director of the Bay Area Economic Forum, and I know that the Members of the House of Representatives wish her, her husband John, and their two sons, Scott and Todd, great success and happiness.

The energy, devotion and intelligence that Sunne Wright McPeak has brought to public service stands as an bold illustration of what one individual can accomplish when strongly committed and even more highly talented. Her record of 16 years as a local, regional and State leader demonstrates the best of what can be achieved in public life. Her service has changed, and improved our country immeasurably, as well as enhancing for all who know her the reputation of public service itself.

WEST VIRGINIA NATIONAL COAL HERITAGE AREA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to establish a National Coal Heritage Area in southern West Virginia.

From the perspective of this gentleman from West Virginia, the history of American labor has left a great mark on the people of this Nation. Moreover, in the southern West Virginia coalfields which I have the honor of representing in the House, our very culture was shaped to a large degree by the epic struggles and adversities faced by those who worked in the coal mines during the early part of this century, and their efforts toward unionization.

In fact, over the past several years there has been renewed interest in our Appalachian

culture and the heritage that has evolved, to a great extent, in the southern West Virginia coalfields as a result of these struggles and adversities.

"They felt, rather than knew, their history," wrote Lon Savage in his book about the West Virginia mine wars of the early 1920's, entitled "Thunder in the Mountains":

Their lore was bloody: they had been crushed and killed on their jobs and fired from them when they tried to organize a union that could articulate their needs. They had been evicted from their company homes and machine gunned in their union tents. Periodically they had risen in fury.

The coal mining history of southern West Virginia is indeed a story of struggle, of human sacrifice, and of occurrences which have left their mark on the history of the Nation as a whole. A central element in this history is, of course, the role of the people who worked in the mines and their efforts toward unionization. In 1890, West Virginia's coal production was 6.3 million tons; 10 years later it rose to 21.5 million tons and the age of the coal barons such as James Otis Watson, Joseph Beury, and Isaac T. Mann had begun. Company stores and housing and payment by script became a way of life for many. The native population became integrated with Southern blacks and immigrants from Italy and other countries. Mary "Mother" Jones became a frequent visitor to the State and many mines were unionized by 1902.

However, a great deal more history was to be made as represented by the subsequent labor disturbances on Paint Creek and Cabin Creek in 1912 and 1913, Matewan in 1920, and the battle at Blair Mountain the following year; a battle in which an army of 10,000 coal miners took up arms and threatened to overthrow the governments of two counties in West Virginia. Marching to open the southern coalfields to the union and to avenge the assassination of Sid Hatfield, hero of the Matewan Massacre, the miners were met by sheriff's deputies and Baldwin Felts agents under the control of nonunion coal operators and a division from the U.S. Army, equipped with airplanes, bombs, and poison gas.

These were the days of the West Virginia mine wars. The events which took place are part of West Virginia's heritage, and a part of America's heritage. A history that played not only an essential role in the formation of our culture and values, but to the industrialization of the United States.

For it was at places like Matewan and Blair Mountain that the line in the sand was drawn. Where the demand that human dignity, and decency, be recognized. As PBS noted in its television show, "Even the Heavens Weep," about the Battle of Blair Mountain:

What happened here in 1921 needs to be remembered, for it was a turning point for America. It was one of those rare moments when history itself seemed to hold its breath. Those at the top of the mountain, were not just defending Logan and Mingo Counties. They were defending the 19th Century belief that those with wealth and power had a right to the destiny of those who toiled. Those who marched to the mountain, were bringing with them the new century's conviction that there were limits to what humans could do to one another for the sake of profit and power. The mountain's shame,

is that it became a symbol for the violence of an era. Its glory is that so many came to insist that the new age begin.

Today, there are few physical vestiges of this era remaining. I believe it is incumbent upon this generation to ensure that what does remain is not lost to further decay. For these old mining camps, company stores, tipples, and related structures are an integral and important part of our heritage and the lessons learned from them should not be forgotten or lost to future generations.

In order to facilitate the preservation of the historic and cultural resources associated with the coal mining heritage of southern West Virginia, I felt it important for the National Park Service to conduct a resource survey and study. This study is now completed. Entitled "A Coal Mining Heritage Study: Southern West Virginia," it notes:

In no other state has coal mining so dominated the economy and social structure. The remoteness of the area, combined with rapid industrialization and population growth, resulted in the creation of a society unusual for its ethnic and racial diversity. Today, the relationship among different elements of the past and present in the coal mining region form a distinctive landscape of national interest.

Using this study as a basis, the legislation I am introducing today would establish a National Coal Heritage Area in southern West Virginia in order to provide the means to recognize, preserve, enhance, interpret, and promote the coal mining heritage of the region.

Under this legislation, the Interior Secretary would be authorized to enter into a contractual agreement with the State of West Virginia to assist in the development and implementation of integrated cultural, historical, and land resource management policies and programs in order to retain, enhance, and interpret the significant values of the lands, waters, and structures of the area. This agreement would also provide for assistance in the preservation, restoration, maintenance, operation, interpretation, and promotion of buildings, structures, facilities, sites, and points of interest for public use that possess cultural, historical, and architectural values associated with the coal mining heritage of the area.

Further, the agreement would facilitate the coordination of activities by Federal, State and local governments and private businesses and organizations in order to further historic preservation and compatible economic revitalization. In addition, it would provide for the development of guidelines and standards for projects, consistent with standards established by the National Park Service, for the preservation and restoration of historic properties, including interpretive methods, that will further historic preservation in the region.

Finally, under this agreement, assistance would be available for the acquisition of real property, or interests in real property, by donation or by purchase, for public use that possess cultural, historical, and architectural values associated with the coal mining heritage of the area from a willing seller with donated or appropriated funds.

Mr. Speaker, I commend this legislation to the House.

THE CATHOLIC CHURCH AND THE INTERNATIONAL LABOR ORGANIZATION A COMMUNITY OF SOCIAL PURPOSE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. LaFALCE. Mr. Speaker, as the United States continues to participate in an unprecedented era of global economic expansion and integration, it is imperative for us to look beyond purely economic interests when evaluating our approach to our trading partners such as China and Mexico. All too often, issues such as human rights, social justice, and the living and working conditions of our neighbors risk being subordinated to the desire to expand growth in the gross domestic product and in exports. Although I agree that these economic goals are worthy and admirable, I believe that it is incumbent upon the United States to monitor and foster the development of democracy and social justice throughout the world. It is for this reason that I have followed and admired the work of Msgr. George Higgins, the American Catholic Church's long time and premier advocate and commentator of labor and trade unions.

Monsignor Higgins spent the majority of his priesthood directing the social action department of the U.S. Catholic Conference. In this capacity, and since then, he has applied the social teachings of the Catholic Church to defend the rights of organized labor. Through his special ability to relate the norms of Catholic social doctrine to specific situations, Monsignor Higgins has achieved an international reputation in the related fields of labor, economics, and social action. In his autobiography entitled "Organized Labor and the Church: Reflections of a Labor Priest" (1993), he reminds American Catholics of their blue collar origins and of the importance of unions in their economic and social development. He further stressed the role that unions continue to play for the Nation's new immigrants who are now struggling to compete in a high-tech society.

I would like to take this opportunity to introduce into the RECORD a recent article authored by Monsignor Higgins entitled, "The Catholic Church and the I.L.O.: A Commonality of Social Purpose," America, January 29, 1994, which he wrote to honor the 75th anniversary of the I.L.O., an organization which the church has long seen as a principal ally in the cause of social justice for working people everywhere.

THE CATHOLIC CHURCH AND THE I.L.O.: A COMMONALITY OF SOCIAL PURPOSE
(By George G. Higgins)

For a long time. We have been following the work of the International Labor Organization. . . . We know all that it has done to promote social justice, to improve working conditions and to raise standards of living—all matters to which the Church, ever preoccupied with the true good of man, devotes the closest attention.—Pope Paul VI, 1969

A fact-finding mission of the International Labor Organization (I.L.O.) to El Salvador last fall reported 90 instances of violence against trade unionists. Included in the violence were 29 murders, 11 disappearances, along with physical assaults, death threats, detentions, the searching of union premises and the kidnapping of a union official's six-month-old son.

The 258th session of the I.L.O.'s Governing Body last November condemned the acts of violence and urged the Salvadoran Government to prevent their repetition and to keep the I.L.O. informed of judicial investigations. Further, the Governing Body urged the Salvadoran Government, in revising its labor code and in a future industrial relations law, to guarantee protection against dismissal and other acts of anti-union discrimination.

Chakufwa Chihana, a trade unionist and freedom fighter in Malawi, was released from prison last summer. He had been jailed in 1992 for his long-standing fight for free trade unions and democracy. Shortly after gaining his freedom, he expressed, during a visit to the I.L.O. Washington, D.C., office, his gratitude for the "strong support" given by I.L.O. Director-General Michel Hansenne for his release from prison.

Four years ago, Mamoun Ahmed Hussein, M.D., a leader of the national doctors' union in the Sudan, was behind bars awaiting execution for his role in a strike. His death sentence weighed heavily on the minds of concerned men and women throughout the world. In late 1989, I.L.O. Director-General Hansenne appealed to the Sudanese Government to spare the physician's life. Dr. Hussein's life was spared.

These are dramatic examples of how the I.L.O., created by the Treaty of Versailles in 1919, stands up for working men and women around the globe. As the I.L.O.'s 75th anniversary is commemorated in 1994, the organization, with 169 member countries, strives quietly and without fanfare to foster economic and employment growth worldwide.

Since the early years of the I.L.O.'s existence, the Catholic Church has encouraged and supported the humanitarian work of this agency, which was founded to improve living and working conditions everywhere. Its first director-general, Albert Thomas, cemented close relations with the church in the 1920's. Because of this close link, a priest has served as a regular member of the I.L.O. staff since 1926—just seven years after the organization was created. This "special relations" post, now held by Louis Christiaens, S.J., of France, builds linkages with key religious and other groups worldwide.

In 1969, two major events highlighted the commemoration of the I.L.O.'s 50th anniversary year. The I.L.O. was awarded the Nobel Peace Prize for "earnestly and untiringly" introducing reforms "that have removed the flagrant injustices in many countries." And Pope Paul VI, as the featured speaker at the International Labor Conference in Geneva, paid homage to the organization, whose ideal is "universal and lasting peace, based on social justice."

In his rousing address, Pope Paul VI said of the I.L.O.: "It has a single aim: not money, not power, but the good of man. It is more than an economic concept, it is better than a political concept: It is a moral and human concept which inspires you—namely, social justice, to be built up, day by day, freely and of common accord."

The Pope went on to assert: "More than this, you translate it into new rules of social conduct, which impose themselves as norms of law. Thus, you insure a permanent passage from the ideal order of principles to the juridical order, that is, to positive law. In a word, you gradually refine and improve the moral conscience of mankind."

Before and after that historic address, other popes voiced their support of the I.L.O. and further cemented relations between the church and this unique tripartite organization in which representatives of labor and business have equal voices with representatives of government in improving the world of work.

Addressing the I.L.O.'s 1982 conference, Pope John Paul II pointed out that the

church and the Holy See "share your organization's concern for its basic objectives, just as they are at one with the entire family of nations in its aim of promoting the progress of mankind."

The Pope, who himself was once a stonemason and chemical worker, went on to declare: "The merits of your organization shine forth in its conventions and recommendations establishing international labor standards."

In efforts to give human labor "a truly moral basis—which is consistent with the objective principles of social ethics—the aim of the International Labor Organization," he said, "are very close to those which the church and the Apostolic See are pursuing in their own sphere with means adapted to their mission."

Noting that this point has been stressed on "several occasions" by his predecessors Pius XII, John XXIII and Paul IV, Pope John Paul II added: "Today, as before, the church and the Apostolic See take great joy in their excellent cooperation with your organization, cooperation which has already lasted for half a century and which culminated in the formal accrediting in 1967 of permanent observer to the International Labor Office."

In a message published in the I.L.O. conference record in June 1992, Pope Paul II underscored the agency's vital role in contemporary times with this comment: "The slow and laborious development of many countries which have chosen to follow the rules of market economics and the path of democratization clearly has reinforced the mission of the . . . organization and the need for it to be vigilant. Indeed, it is sometimes said that you are the social conscience of the world."

The community of nations benefits from I.L.O. expertise in three basic ways. First, the I.L.O. sets a code of international labor standards (now numbering 174 conventions and 181 recommendations) and supervises their observance. Second, it provides a wide range of technical assistance designed to spur economic and job growth. Third, it tracks workplace trends and problems through extensive research and publications activities to help fashion workable solutions to problems.

To guide its work as the 21st century approaches, the I.L.O. has set three major priorities. There are, first to broaden the framework of protection available to workers; second, to assist democratic efforts that are spreading around the globe, and, third, to galvanize forces to combat the poverty that afflicts one billion people worldwide.

Globally, the problems confronting humanity are mind-boggling. The rapid and pervasive change occurring in Eastern and Central Europe and many developing lands is staggering. And so is the misery and hopelessness that reaches the shores of every continent. In the third world alone, the magnitude of suffering and deprivation is overwhelming: 900 million people impoverished; 70 million unemployed, and 500 million underemployed.

In the 1990's the I.L.O. estimates, some 400 million jobs must be created to absorb new entrants in the world work force as the working-age population soars by more than 700 million. In Africa, alone, the I.L.O. calculates that 100 million new jobs have to be created to maintain present levels of employment. The task ahead for the I.L.O. and its member nations is enormous. Time will not wait for any pause.

In developing countries, as well as those in the former Soviet shadow, where unemployment, poverty and hopelessness pervade the

daily lives of the masses of men, women and children, the I.L.O. is helping the emerging democracies build a human core in their new orders. This is the social dimension of economic structural adjustment and political reform.

The I.L.O. is guided by the principle that lasting and stable economic reform will not emerge without a fundamental, built-in charter for working people. As the organization has stated: "Capitalism must have a human face if it is to flourish." In this 75th anniversary year, the I.L.O. is guided, more than ever, by this precept from the preamble to its constitution: "Universal and lasting peace can be established only if it is based upon social justice."

Through its international labor standards, let by conventions on freedom of association and the right to organize and bargain collectively, and through its worldwide technical-cooperation program, the I.L.O. is providing the emerging democracies with a wide range of assistance. It is helping them develop free and independent trade unions and employer associations. It is helping them draft legislation and create a framework for collective bargaining to flourish. It is helping them formulate policies to create freely-chosen employment and to provide training and retraining. And it is helping them establish social security systems.

Many nations have shaped their labor laws on I.L.O. conventions, recommendations and codes of practice. Social-security systems in numerous lands have profited from the guiding principles and methods of the I.L.O. And labor-market systems and labor-law revisions in developing countries and Eastern and Central European nations have been based on I.L.O. expertise.

Since the foundation of the I.L.O., the similarity of the social objectives of the church and this organization have been crystal clear. Because of the commonality of interest between the church and the I.L.O., their mutual pursuit of social justice and of universal human rights, will continue. In the I.L.O.'s 75th anniversary year, we might rightfully ask: What can America do to further the goals of the I.L.O.?

My answer is that, as the world's leading democracy, the United States has a challenge—and, yes, an obligation—to assume a strong and clear leadership role in the I.L.O. With the Cold War ended, the I.L.O. offers the nation and President Bill Clinton the best vehicle for advancing the fundamental principles of freedom and democracy on which the United States was founded. It offers a world forum and the institutional machinery for the United States to lead the fight for universal social justice in a world rocked by change and turmoil.

One way for our nation to signal that it intends to assume a larger leadership role in the I.L.O. would be to move the determination to ratify the organization's human-rights conventions. These basic conventions, not yet ratified by the United States, deal with freedom of association, the right to organize and bargain collectively, discrimination and child labor. By ratifying these core conventions, the United States would send a positive message to the rest of the world.

An appropriate gesture for the United States in this historic 75th anniversary year would be for President Clinton to pledge the nation's full support of the humanitarian work of the I.L.O. and to lead the community of nations toward fulfillment of this principle from the I.L.O.'s 1944 Declaration of Philadelphia: "All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity. . . ."

INTRODUCTION OF THE RHINOCEROS CONSERVATION ACT OF 1994

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. FIELDS of Texas. Mr. Speaker, today, joined by my distinguished colleagues Congressman GERRY STUDDS and Congressman TONY BEILSON, I am introducing legislation to establish what I hope will be an effective program to help save the rhinoceros from extinction.

Despite the best efforts of the Convention on International Trade in Endangered Species [CITES] and the international conservation community, rhino populations continue to plummet to an alarming level. In fact, of the five species of rhinos, fewer than 10,000 are left in the wild. In 1970, there were over 65,000 African black rhinos; today, there are less than 2,000 alive. Unless immediate steps are taken, this magnificent animal will cease to exist as a viable species throughout most, if not all, of its habitat.

Mr. Speaker, on September 7, 1993, the CITES standing committee noted that "the measures taken by the People's Republic of China [PRC] and the competent authorities in Taiwan are not adequate to sufficiently control illegal trade in rhinoceros horn." The standing committee stated that "parties should consider implementing stricter domestic measures up to and including prohibition in trade in wildlife species."

On that same day, in response to a lawsuit filed by the World Wildlife Fund, Secretary of the Interior Bruce Babbitt certified the People's Republic of China and Taiwan under the Pelly amendment because of their flagrant violation of CITES's rhino moratorium. The Secretary has strongly recommended that the President prohibit the importation of Chinese and Taiwanese products in the United States. Congressman STUDDS, Congressman BEILSON, and I sent a letter to the President requesting that he immediately implement trade sanctions.

On November 8, 1993, the President responded to Congress that, "although recent actions by the PRC and Taiwan show that some progress has been made in addressing their rhinoceros and tiger trade, the record demonstrates that they still fall short of the international conservation standards of CITES." He has called for China and Taiwan to, demonstrate measurable, verifiable and substantial progress by the next meeting of the CITES standing committee in March, 1994. If adequate progress is not achieved by that meeting, import prohibitions will be necessary.

Mr. Speaker, last year the Merchant Marine and Fisheries Committee conducted a hearing and heard testimony that rhinoceros poaching continues unabated and that the PRC and Taiwan had questionable conservation efforts. We also discussed what effect trade sanctions would have on controlling the illegal rhino trade, and what can be done to assist countries, like Zimbabwe, in protecting their dwindling populations of rhinos.

Based on recent press reports, it is clear that the range states, like Zimbabwe, do not

have sufficient money or manpower to stop these unscrupulous poachers. The legislation I am introducing provides badly needed financial assistance to these countries through the establishment of a Rhino Conservation Fund. The bill is modeled after the highly successful grant program Congress enacted in the historic African Elephant Conservation Act of 1988, and it will help save the rhinoceros by assisting the conservation programs of those nations who are struggling to protect this vital species.

Furthermore, the bill stipulates that following enactment, a moratorium on the importation of all fish and wildlife products will be established for those countries who continue to engage in the trade of rhinoceros products or in other activities that adversely affect its survival. If this moratorium fails to encourage a country to stop trading and improve its rhino conservation efforts, then further trade sanctions could be mandated by the President.

Mr. Speaker, I have recently visited with wildlife representatives of the PRC and have learned first-hand a great deal more about their rhino conservation efforts. While I believe that progress is being made in that country, others continue to drag their feet in meeting the conservation standards established by CITES. This bill will encourage those countries to immediately correct their actions so that the rhinoceros, which has faced adversity for thousands of years, can exist in the future.

I urge my colleagues to review this legislation and to join in this effort to help save the rhinoceros from extinction.

Thank you, Mr. Speaker.

SELF-DETERMINATION FOR TIBET

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. NADLER. Mr. Speaker, I rise today to join my many friends and neighbors who will be marching on March 10, in New York from the United Nations to the Chinese Embassy in observance of Uprising Day. This solemn day recalls the day in 1959 when Chinese troops marched into Lhasa, and slaughtered thousands of innocent Tibetans.

Putting an end to the repeated violations of human rights in Tibet should be a top priority in our Nation's trade and diplomatic relationship with China. This has unfortunately not been the case. Despite threats and solemn pronouncements, China has not been forced to pay any price in its relations with the United States for its flagrant violations of human and sovereign rights in Tibet. I am committed to fighting for a United States policy toward China which reflects the desire of most Americans to stand with the Tibetan people in their struggle.

This is not to say that there has been no progress. Congress has finally declared that Tibet is an occupied country under principles of international law and recognized the right of the Tibetan people to independence and full sovereignty. These rights have been consistently violated by China's illegal occupation.

The Chinese Government must be made to understand the seriousness with which the American people view the egregious human rights violations they have perpetrated against the Tibetan people. For that reason, China

should not be granted most favored nation trading status, and enjoy the many economic benefits and international prestige it receives as a result of that status, until it has demonstrated a tangible improvement in the human rights situation in Tibet.

Most importantly, China must halt its population transfer program through which non-Tibetans are offered economic incentives to relocate to Tibet. The House Ways and Means Committee has correctly observed that, Chinese development programs and economic inducements supportive of population transfer to Tibet marginalize Tibetans in their own homeland and serve further to undermine their basic human rights.

A resolution adopted by the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities declared that population transfer policy constitutes a violation of fundamental human rights. Unless it is stopped, the population transfer policy threatens to obliterate one of the world's richest and most ancient cultures.

The Chinese must also end their wanton destruction of the Tibetan ecology. Destroying a country they illegally occupy compounds the injustice. It must end.

Finally, the Chinese must respect the individual rights of the Tibetan people. There can be no excuse for the oppression suffered by countless Tibetans at the hands of their occupiers.

Tibet is a test of this Nation's historic commitment to individual rights and national sovereignty. We must stand with the Tibetan people in their struggle for justice and self-determination.

SALUTE TO NOBLE BATES OF DEKALB, TX

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. CHAPMAN. Mr. Speaker, growing up in rural America, you have an opportunity to meet some remarkable people who are dedicated to their town and community. In DeKalb, TX, Mr. Noble Bates is one of those remarkable people. Noble Bates came to DeKalb, TX, in April 1946. Since his first day in Bowie County, he began to serve his neighbor and community.

Noble Bates has made a tremendous impact on DeKalb, the chamber of commerce has established an annual Heart of the Community Award, to be known as the Noble, in recognition of his many services, known and unknown, to the town of DeKalb and Bowie County.

In honor of his years of service to his town, I would like to present him with this proclamation on behalf of the Congress of the United States:

Whereas, Noble Bates, since 1946, has been a constant and enduring source of pride and leadership in the community of DeKalb; and Whereas, Noble Bates, as Alderman and Mayor for DeKalb for 17 years, has made a lasting difference in the lives of all its residents; and

Whereas, Noble Bates has exhibited profound dedication to service organizations and his neighbors: Now, therefore, be it

Resolved, That the Congress of the United States honor Noble Bates for his civic virtue

and relentless responsibility to the community of DeKalb, Texas and all those who visit; and

Further resolved, That Jim Chapman on behalf of his colleagues, joins the many friends of Noble Bates in honoring his citizenship and achievements and wishing for him many years of health and happiness.

TRIBUTE TO KELLY NAYLOR

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. CARDIN. Mr. Speaker, today I rise to pay tribute to Kelly Naylor who has been selected as a Regional recipient of the eighth annual Amateur Athletic Union/Mars Milky Way High School All-American Award.

Kelly, a senior at Oakland Mills High School in Columbia, is one of the eight outstanding high school seniors from across the Nation selected as regional recipients of this prestigious award. Her outstanding scholastic, athletic and community service achievements have earned her a \$10,000 scholarship to the college of her choice.

An exceptional student ranked first in a class of 237, Kelly is a National Merit Commended Student, a Hugh O'Brien Leader and a Maryland Distinguished Scholar.

An accomplished athlete, Kelly has distinguished herself in field hockey, ice hockey, and lacrosse.

In addition to this Kelly is a leader in many community service activities. She is the student coordinator for the Grassroots Coalition for Environment and Economic Justice, an organization that works to bring environmental reform to the community. She serves as president of the Explorer Search and Rescue Post No. 616. She is the community service chairwoman for Howard County Association of Student Councils. Her community service projects are truly commendable.

Mr. Speaker, Miss Naylor had distinguished herself through her exemplary achievements. She has earned the respect of her teachers, peers and family, and I congratulate her.

DECONSTRUCTION

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. COLEMAN. Mr. Speaker, at a time of great confusion involving national affairs, I welcome the clarity and integrity of a recent commentary published in Roll Call, the newspaper of Capitol Hill. It was written by Congressman CHARLIE ROSE of North Carolina, the distinguished chairman of the House Administration Committee.

Mr. ROSE exposes and confronts the deconstructionist attempts to achieve by pressure and manipulation a status that was not accorded to the Republicans by the voters.

I agree with Mr. ROSE's evaluation of those who would usurp power in a manner that is totally out of keeping with the historic traditions and democratic processes of the House.

The Republicans will not get away with their efforts to downsize the elected majority's sta-

tus by upgrading minority power in this body. They will not accomplish by pressure and posturing what they failed to win in the election booth.

Republican deconstructionism seeks to trash the way the House functions by undermining the majority's ability to conduct business.

Mr. ROSE was absolutely justified in exposing this situation.

I urge all Members to read and consider his article in Roll Call, published March 3.

[From Roll Call, Mar. 3, 1994]

HOUSE REPUBLICANS RESORT TO THE POLITICS OF "DECONSTRUCTION"

(By Representative Charlie Rose)

The "kinder and gentler" House Republicans are seeking to win by elocution what they failed to win by election, by circumlocution what the circumstances of life deny them.

They have embarked on a quest for the virtual unreality of "deconstructionism": trying to downsize the elected majority's status in the House while upgrading the power of the minority.

In November 1992, the voters clearly mandated Democratic control of the House.

Yet Minority Leader Bob Michel (R-Ill) now advocates minority control of the Committee on Government Operations and its oversight functions ("Guest Observer," Roll Call, Feb. 28).

House Republicans, meanwhile, demand disproportionate status in running other committees. They seek to redefine the status of a minority party.

Writing in the Washington Times, GOP Rep. Jennifer Dunn (Wash) called for "more turnover among committee chairmen." She said that "at present, chairmen exercise far too much power over the shaping of legislation. Committee staff, unelected and entrenched, hold too much power, as well."

Deconstructionist tactics such as these are designed to frustrate the majority party's ability to function in committees and elsewhere. The strategy seeks to reduce the number of computer links, telephones, staff, and even postal facilities—the integral links of communication with constituents.

There are also efforts to sidestep legislative processes to frustrate majority will.

The minority seeks the right to take testimony and conduct one-party hearings, a sort of Congress within the Congress. Every function not controlled by the minority is portrayed as corrupt.

A vast reorganization of committee jurisdictions is on their agenda as they seek to arrogate to themselves the status the voters denied them.

A House Republican version of "Alice in Wonderland" would have the queen telling Alice "votes mean what I say they mean."

In the arts, the term "deconstruction" refers to a radical movement that questions traditional assumptions about the use of language and image to represent reality.

The aim of the House GOP version of deconstructionism is to trash the way the House works by undermining the Democratic majority's ability to conduct business.

Deconstructionist tactics are designed to frustrate the majority party's ability to function effectively. Obstructionist stratagems are the order of the day.

I challenge the trivialization of a democratic system that has stood the test of time. And I regret crazy ideas like depriving the majority party of the essential tools to operate the House of Representatives in a responsible fashion.

At a time when the Congress is assailed externally, we witness Republican tactics that

undermine consensus-building and effective legislating.

Former Speaker Sam Rayburn (D-Texas) used to say that "any jackass can kick down a barn door, but it takes a carpenter to build one."

Congress-bashing is easy. You can get a cheap laugh by calling this body the House of Reprehensibles. But it is much more difficult to improve the House of Representatives in a responsible way.

This disengagement from the democratic process will not succeed. It is government by gridlock. Nor will government by talk show or biased editorials take over.

If the new strategy of "deconstructionism" is not challenged, the minority will rule the majority and those with the fewest votes will attain the greatest authority.

This stratagem took root in the aftermath of the GOP's 1992 election defeat when, already fragmented, the party broke apart faster than Yugoslavia. Republican efforts to forge unity were manifested in the House with a militant extremist ascendancy that isolated moderate Republicans.

The level of comity dropped. Rancor and bitterness emerged. Instead of developing a viable GOP alternative to the Clinton Administration, House Republicans resorted to takeover tactics.

Maybe the Grand Old Party is re-emerging as an "attack coalition."

That is what is indicated when the National Journal quotes House Republicans as saying "that their team now includes such powerful voices as Ross Perot, talk-show host Rush Limbaugh, and the Wall Street Journal editorial page."

Kate Walsh O'Beirne, a speaker at a post-Clinton Republican "summit," was applauded when she asserted that "moderate Republicans should be barred by law from ever working with Democrats." So much for the vision of inclusion that articulates a future better than the past.

Whatever happened to the "loyal opposition" that made the two-party system work?

Unless they want to isolate themselves from the mainstream, Republican "deconstructionists" must defend and not glibly repudiate the free society they inherited. They might even unite with the Republican party's moderates and, together, find their way out of the wilderness and legitimately seek their promised land of Republican control of the House.

As a Democrat, I see our task as the restoration of the primacy of the House, reclaiming its role, as George Mason put it, as "the grand repository of the democratic principles of the government."

The House will survive the assaults of the "deconstructionists." Majority rule will prevail. An aggressive minority will not accomplish by bullying tactics what it failed to win in the voting booth.

RELIGIOUS LIBERTY IN THE PEOPLE'S REPUBLIC OF CHINA—THEY STILL DON'T GET IT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. SMITH of New Jersey. Mr. Speaker, in the next few months China's human rights record for the year will be examined and scrutinized—perhaps as never before.

Frankly, China hasn't even come close to making the progress that would allow the administration—in good conscience—to seek a waiver of Jackson-Vanik. State Department officials have indicated in hearings that if the de-

cision were to be made today—when they testified—they would not recommend the extension of MFN. We must continue to send a signal to the Chinese Government that these conditions are nonnegotiable. The ball is in their court.

In January I led a delegation to China in order to engage in frank, constructive talks with Chinese officials regarding deep concerns that remain over China's human rights record. We also wanted to meet with those who suffer from the continued and well-documented repression—especially political dissidents and underground church believers. We succeeded on both goals.

Let me note at the outset that the Chinese people deserve the abiding respect of their Government, and nowhere is this more crucial than in protecting universally recognized human rights. It was out of empathy for the oppressed, the tortured, the prisoner of conscience, the mother being forced to abort her baby, that I went to China to respectfully but firmly petition the Chinese Government for relief. Today, I would like to focus primarily on one of these areas—religious liberty—although all areas are important and deserve our attention.

In the May 28, 1993, Executive order extending MFN to China for 1 year, the President calls for "significant progress" in the area of human rights. I continued to tell officials that without significant progress, MFN was at great risk. In meetings with high officials of various Government ministries I stressed that scrutiny of China's human rights record will not be cursory or frivolous, but would entail a penetrating analysis as to whether substantial progress has been made. Instead of substantial progress—China has made substantial regression.

The Executive order is quite clear in listing the human rights conditions which must be met in order for MFN to be renewed later this year. Specifically it says that "the Secretary shall determine whether China has made overall, significant progress with respect to taking steps to begin adhering to the Universal Declaration of Human Rights" and protecting Tibet's distinctive religious and cultural heritage.

This Declaration of Human Rights is the internationally accepted standard for the treatment of all people in every country. It is not an American standard; it is not culturally biased. The Chinese, as a member state of the United Nations, pays lip service to it—but its actions show the complete disregard the Government has not only toward its people but toward the entire international community as well.

In Beijing—almost like broken records—leaders began with soothing words concerning their desire for open and honest dialog with the United States and that they hoped our meeting would lead to a greater understanding. In meeting after meeting I was assured that there was complete freedom of religion in China, protected by the Constitution. I was also assured that there were no religious prisoners in China. But these representatives are an insult to the truth. And I minced no words in conveying that to them. We know of several hundred religious prisoners, and it is likely that there are several thousands more known only to God, their loved ones, and the police.

Reports from human rights organizations and our State Department, indicate that human rights conditions got worse in 1993—and from all reports they continue to deterio-

rate in 1994. Asia Watch, in its recent publication of over 1,200 prisoners in China says that "1993 was without doubt the worse year from political arrests and trials in China." Other organizations such as Puebla Institute, Christian Solidarity International, Amnesty International, and Freedom House all document continuing religious persecution.

I was told that the first obligation of the churches in China was to promote socialism and encourage the people to support the Government. There are many Christians who are not members of the Government-sponsored churches. These people, I was told, oppose socialism, and because of that they would inevitably break Chinese laws and must be punished. Both Government and Government-sponsored church leaders compared prisoners in the United States with prisoners in China, saying that we do not release prisoners simply because they are Christian and we should not expect China to do the same. Those who break the law, they say, must be punished.

But there is a great deal of difference. Many of the Christians who are imprisoned in China are there because they have broken laws which strictly govern and limit religious activities in China. These laws prevent Roman Catholics from being in union with the Vatican, they prevent any Christian from listening to religious broadcasts, they prevent Protestants from meeting in private homes to pray. For these and many other reasons, Christians are in prison—they are criminals because they are enemies of the state—followers of an ideology which does not place the state over all other things.

As I was meeting with individuals who were assuring me that there was religious freedom, I was also receiving reports of Christians who were being detained. I was hearing from members of the underground Protestant and Catholic churches about the repression and discrimination which they experienced. I returned with the names of five Catholic priests who were arrested only weeks before my delegation arrived. Unlike my meetings with the Government and Government-sponsored church leaders which can be made public, I cannot give any details about the meetings with the Christians who risked their lives to meet with me.

But these underground Christians have been taking risks for quite a while now. Catholics in one village have built a large church, rectory, and convent. Protestants told us about the great numbers of people who are becoming Christians through the evangelization which is taking place. All of them respond that they are ready to be arrested, put into jail, and even die for their religious activity. As one person said, "What can they do? Tear down our church? Put us in jail?" How prophetic their words are.

Mr. Speaker, you and many of my colleagues are well aware of the arrest and detention of a bishop who said Mass for our delegation. Bishop Su Zhi Ming, who had already spent 15 years in Chinese prisons and labor camps, subject to beatings and torture, was arrested days after our meeting. Judging from the nature of his interrogation, his crime was saying Mass for me and the delegation. To add insult to injury, he was arrested on the day Secretary Bentsen was in Beijing meeting with Chinese officials and discussing the future of United States-Sino relations.

Since January 31 new orders were issued by Li Peng which gave Government sanction to a renewed crackdown on all religious activities in China. All of us were bitterly disappointed but not surprised when we learned that the Chinese Government would escalate the persecution and harassment and torture of believers. Less than 3 weeks ago, three American citizens were arrested and detained in China. Dennis Balcombe, the pastor of Hong Kong's Revival Christian Church was detained and held incommunicado for 4 days. The arrest was made during a midnight raid on the house in which Reverend Balcombe and several other guests were sleeping. He and the others were accused of "disturbing the public peace" and all of his possessions were confiscated. Had Reverend Balcombe been in China to negotiate a business deal he would have had welcoming hands extended to him. Instead, because he brought the goodness of the Gospel he was met with clenched fists.

Following his release he testified here before the House Ways and Means Committee. He is a living witness to the renewed religious persecution which is taking place in China. As an American citizen he enjoyed the benefit of swift action on the part of many people and human rights groups. However, there are thousands of Chinese citizens who do not have this benefit. Three of the people who were arrested along with him are still detained, and there are even reports which say they have been executed. If they are alive, and I hope they are, how long will they have to wait in prisons, how many beatings will they have to endure, who will speak out loudly and act swiftly for them? And what of those friends of Reverend Balcombe who are not in prison but must remain in China and live under the fear of persecution?

These people are not interested in political activity. In fact they told me that they pray for the Government and their leaders and ask for God's blessings on China. All religious believers in China are asking for is the ability to worship freely and openly. Right now those who do not belong to the Government-sponsored churches have no place to worship, many of them are denied housing and work permits, and countless numbers are harassed, detained, tortured—and some have been martyred for their faith.

The two executive orders which I have already mentioned will further restrain religious liberty in China and will have devastating consequences and represent a new crackdown for the underground Protestant and Catholic churches.

Order 144 is titled "Rules for management of foreigners' religious activities." It prohibits all proselytizing activities by foreigners among Chinese. While it allows for foreigners to conduct their own private worship services, they are prohibited from preaching in Chinese churches. It also prohibits the importing of religious goods and publications.

Order 145 regulates management of places of worship. The right to assemble, pray, and worship God—even in your own home—carries severe punishments. Catch-all statements such as, "No one may use places of worship for activities to destroy national unity, ethnic unity, and social stability, to damage public health or undermine the national educational system," criminalizes just about anything that a believer says or does. These cruel policies are likely to lead to thousands of new arrests, tortures, and mistreatment.

Although I have focused on the lack of religious freedom in China, I cannot ignore the plight of millions of others whose human rights are violated in other ways. I would like to turn our attention to just a few of these.

Millions of Chinese are detained in forced labor prisons where they work long hours each day to meet unrealistic production quotas. We have known about this for years and have tried to engage the Chinese Government in addressing this human rights abuse.

The 1992 memorandum of understanding [MOU] expressly prohibits the importing of prison labor products and outlines the method of investigating reports of forced labor in prisons.

Even when it was signed, many people criticized the MOU as a meaningless document unless it would be backed up by swift and open verification. Testimony only a few months ago by Assistant Secretary Winston Lord indicated that there has been great resistance by the Chinese to investigate reports of prison labor. The Chinese deny access to prisons by United States officials until they have had enough time to sanitize the prisons and factories. Visits by nongovernmental human rights groups are not allowed at all.

The Chinese Laogai is not like any prison system we are familiar with. These are forced labor camps similar to the Nazi work camps of another era. It is the most extensive forced labor camp system in the world, and this system has destroyed the lives of millions of people, and it continues to do so. In January I met with several people who bear the permanent scars of years in Chinese prison labor camps. I heard their stories of beating and torture and saw for myself the broken bodies which these camps created.

The MOU is mentioned specifically in the Executive order. It is clear that China has not yet lived up to this agreement, nor is there any indication that it will in the future. We are still denied access to prisons and there is a large body of evidence that products manufactured entirely or in part are still being exported to the United States. All the while, millions of people continue to suffer at the hands of the cruel Government slave-master.

Religious believers and prisoners are not the only victims of China's continued violations of human rights. The Government aggressively victimizes women who bear children outside of the Government's repressive one-child-per-couple policy. Reports abound which detail the lengths to which the Government officials will go to see that quotas are met and policies enforced. The New York Times report by Nicholas D. Kristof poignantly described the ordeal of a mother and child who were victims of the Government-sanctioned brutality. It recounts the case of Li Qiuliang, who had been given permission to have a child in 1992. When, on December 30, 1992, she had not given birth, the local population control officer ordered the doctor to induce pregnancy. The child died and Ms. Li has been left incapacitated.

Secretary of State Warren Christopher, when he learned of this report, said that he was appalled by China's coercive family planning practices and would seriously consider tying MFN to ending those practices. In the "Report to Congress Concerning Extension of Waiver Authority for The People's Republic of China," it explicitly states that "in considering extension of MFN, we will take into account Chinese actions with respect to the following:

Taking effective steps to ensure that forced abortion and sterilization are not used to implement China's family planning policy."

During my meeting with Li Honggui, Director for the General Office of the State Family Planning Commission of China, he brushed aside with an angry smile our concerns that Chinese women are routinely victimized and abused with coerced abortions and coercive sterilizations. When questioned about the New York Times' report, Mr. Li responded by saying that the article was "not real" and that it only showed the "unfriendly staff" of the New York Times.

In a sworn affidavit, Dr. John Aird, former Chief, the China Branch at the United States Census Bureau, said "coercion in the Chinese family planning program has in the past 2 years reached its second extreme peak approaching or perhaps exceeding the levels of 1983."

Forced abortion is a crime against both women and children. In China today, women are punished by the state for conceiving a child not approved by state goals. If a woman is lucky or clever enough to escape to deliver an illegal child and is discovered, she is fined and otherwise dealt with.

In December the Chinese Government issued a draft of a eugenics law which would legalize discrimination against the handicapped—however the Government may define handicapped—by forcing sterilization and denying them permission to have children. There are also provisions which would mandate the abortion of any babies which are determined to not meet Government-approved standards of health and ability. While the rest of the world moves to protect the rights and the dignity of the handicapped, China is seeking ways to exterminate them.

It is becoming increasingly clear that in category after category the Chinese Government is not only not making progress, but is actually getting worse—bringing further shame and dishonor to the Government and more and more pain to the Chinese people.

Today, and each day since I have returned from China, the facts point to significant regression, not progress, in human rights.

Disturbing reports in the last week indicate that the administration might be weakening their commitment to human rights in the Executive order. When I hear statements that a grand gesture or promises could replace the significant progress called for in the Executive order, I wonder what good our words are if they will not be backed up by action. There is a great deal of evidence that China has regressed significantly. Even as Secretary Christopher prepares for his visit to China, the Chinese Government has detained at least nine dissidents. Whether these detentions are short- or long-term, they are deplorable. They also show the complete disregard they have toward the conditions which must be met in order for MFN to be renewed. Only a few months remain before the administration must make this decision. We must continue to let China know that we are watching and that we care, that we will not sacrifice human life for profit, and that the United States is serious when we say we want significant progress in human rights.

Yesterday, I received a letter from a seventh grade student at Holy Family School in Lakewood in my district. Alicia Lorenc wrote: "I

think it is unfair that they put Roman Catholic bishops in prison for being Catholic. It is stupid, it is discriminating, and it is unfair. Over in China, people's rights are being abused. I know since I am only in seventh grade I can't make that much of a big difference. But I try." Alicia may only be in seventh grade, but her wisdom and compassion surpass that of the Chinese Government. She understands, why can't they? She is trying to make a difference. I hope that we can respond to her that we are trying, too.

FOSTER FILE SHOCKER

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1994

Mr. DORNAN. Mr. Speaker, what in heaven's name is going on here? This is getting to smell worse by the day.

The article follows:

[From the New York Post, Mar. 9, 1994]

FOSTER FILE SHOCKER

(By Christopher Rudd)

White House officials frantically scrambled to get the combination to Vincent Foster's office safe soon after his death—and ultimately removed a second set of files, The Post has learned.

White House counsel Bernard Nussbaum's removal of one set of Whitewater files from Foster's office has been widely reported.

But the disappearance of a second set of papers—including some also related to Whitewater—wasn't previously known.

Three separate White House sources told The Post that Clinton aides were scrambling—like "cats and dogs," as one put it—as they tried to get into Foster's safe just hours after his death.

Foster's body was found in Fort Marcy Park in suburban Arlington, Va., at about 6 p.m. on July 20.

As previously reported, a few hours later, Nussbaum—accompanied by First Lady Hillary Rodham Clinton's chief-of-staff, Margaret Williams, and longtime Clinton aide Patsy Thomasson—entered Foster's office and removed Whitewater files that were not in the safe.

But The Post has learned that Nussbaum also asked a White House security officer on night duty for the combination to Foster's safe, a White House source said.

Nussbaum was told that the security staff didn't have the combination, the source added.

Combinations are controlled through top-secret clearances in the Office of Administration, which is run by Thomasson.

The Office of Administration staffer in charge of security—including the safeguarding of combinations—was out of town that night, a law-enforcement source said.

Later, during the wee hours of July 21, a senior White House aide—not Nussbaum—succeeded in opening Foster's safe, according to another law-enforcement official who is assigned to the White House.

It's not clear how the combination was obtained.

The safe was opened before most White House personnel reported to work on the morning of July 21, the source added.

Several documents, including papers relating to Whitewater, were removed from the safe and turned over to President and Hillary Clinton's personal lawyer, David Kendall, the source said. Then the safe was relocked.

Foster, who was deputy White House counsel, also handled the Clinton's private legal matters, including Whitewater.

Word that the safe had been opened apparently did not reach most White House officials, including senior members of the White House counsel's office—and they continued to scramble for the combination, a source said.

They were so anxious to be the first to see the contents of the safe that the counsel's office refused to let Park Police—who were handling the investigation into Foster's death—to search the office on the morning of July 21.

The Park Police agreed to return the next day.

On the afternoon of July 21, members of the counsel's office were again asking White House personnel for the safe combination, claiming that "Bill Kennedy needed to get into Mr. Foster's safe," another source said.

William Kennedy is a former law partner of Mrs. Clinton and Foster at the Rose Law Firm in Little Rock. He is associate White House counsel—the No. 3 post in the counsel's office.

But the combination could not be given out, a source said, because Foster had taken the rare step of authorizing only himself to have access to the number.

Usually, White House staff members with safes share the combination with their staff or secretary.

The FBI's most highly decorated former agent told The Post that the revelation about entry into Foster's safe after his death underscores questions about a possible cover-up.

"The safe is crucial—it's an A-1 priority," said William Roemer, former head of the FBI's Organized Crime Strike Force.

He was sharply critical of the failure by Federal authorities to secure Foster's office immediately after his death.

"It raises the question [of] a coverup," Roemer said, adding that the entry into the safe appeared to be "self-serving, to protect documents which could have shed light on either a suicide or homicide."

Repeated calls to the office of Patsy Thomasson and the White House Press Office for comment went unreturned.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 10, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 11

9:30 a.m.

Governmental Affairs

To hold hearings to examine Federal policies governing the introduction of

non-indigenous plants and animal species.

SD-342

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Indian Health Service, Department of Health and Human Services.

SD-138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Secret Service and the Federal Law Enforcement Training Center, both of the Department of the Treasury, the Financial Crimes Enforcement Network, and the General Services Administration.

SD-116

MARCH 14

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies.

SR-253

2:30 p.m.

Finance

Taxation Subcommittee

To hold hearings on the state of the domestic oil and gas industry and to examine tax proposals to increase domestic production.

SD-215

MARCH 15

9:30 a.m.

Armed Services

Military Readiness and Infrastructure Subcommittee

To hold hearings on proposed legislation to authorize funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on military readiness.

SR-232

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Army.

SD-192

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Bureau of Land Management, Department of the Interior.

SD-116

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of the Attorney General.

S-146, Capitol

Banking, Housing, and Urban Affairs

To hold hearings on S. 1664, to improve enforcement of anti-money laundering laws by setting guidelines for mandatory and discretionary exemptions from monetary transaction reporting requirements for depository institutions.

SD-538

Finance

To resume hearings to examine health care reform issues, focusing on premiums and subsidies.

SD-215

10:15 a.m.

Judiciary

To hold hearings on S. 687, to regulate interstate commerce by providing for a uniform product liability law.

SD-226

2:00 p.m.

Governmental Affairs

To resume hearings to examine Federal policies governing the introduction of non-indigenous plants and animal species.

SD-342

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance, focusing on sustainable development.

SD-138

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense and the future years defense program.

SR-222

MARCH 16

9:15 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of State.

SR-253

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine how proposals to improve the dairy program will affect dairy trade.

SR-332

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Health and Human Services.

SD-192

Energy and Natural Resources

To hold hearings on the domestic and international implications of energy demand growth in China and the developing countries of the Pacific Rim.

SD-366

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Small Community and Rural Development, Farmers Home Administration, and Rural Electrification Administration, all of the Department of Agriculture.

SD-138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.

SD-116

Finance

To resume hearings to examine the results of the Uruguay Round of multilateral trade negotiations.

SD-215

Labor and Human Resources

To hold hearings to examine the current status of chapter I of the Elementary and Secondary Education Act of 1965, which authorizes funds for education programs for disadvantaged children and youth.

SD-430

2:00 p.m.

Armed Services

To resume joint hearings with the Committee on Governmental Affairs on S. 1587, to revise and streamline the acquisition laws of the Federal Government.

SD-106

Governmental Affairs

To resume joint hearings with the Committee on Armed Services on S. 1587, to revise and streamline the acquisition laws of the Federal Government.

SD-106

2:30 p.m.

Commerce, Science, and Transportation Science, Technology, and Space Subcommittee

To hold hearings on competition in the U.S. biotechnology industry.

SR-253

Labor and Human Resources

Labor Subcommittee

To hold hearings on proposed legislation to consolidate job training programs into one program to provide incentives for States to train workers.

SD-430

MARCH 17

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Institutes of Health, Department of Health and Human Services.

SD-116

Governmental Affairs

To hold hearings to examine contract and financial management at the Department of Energy.

SD-342

Rules and Administration

To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Title I, relating to the Standing rules of the Senate.

SR-301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Blinded Veterans Association, and Non Commissioned Officers Association.

345 Cannon Building

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Air Force.

SD-192

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Science Foundation, and the Office of Science Technology Policy.

SD-124

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Inspector General, Department

of Transportation, and the Interstate Commerce Commission.

SD-138

Finance

To resume hearings to examine health care reform issues, focusing on premiums and subsidies.

SD-215

MARCH 18

10:00 a.m.

Labor and Human Resources

To hold hearings to examine proposals to revise and improve programs of chapter I of the Elementary and Secondary Education Act of 1965, which authorizes funds for education programs for disadvantaged children and youth.

SD-430

MARCH 22

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Education.

SD-138

Indian Affairs

To hold oversight hearings on water and sanitation issues in rural Alaska.

SR-485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on manpower and personnel programs.

SD-116

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Commerce.

S-146, Capitol

MARCH 23

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

2:00 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Forest Service, Department of Agriculture.

SD-138

2:30 p.m.

Commerce, Science, and Transportation Science, Technology, and Space Subcommittee

To hold hearings to examine science and technology policy issues.

SR-253

MARCH 24

9:00 a.m.

Office of Technology Assessment Board meeting, to consider pending business.

EF-100, Capitol

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Labor.

SD-138

Energy and Natural Resources

To hold hearings to examine the effect of the Administration's Superfund reauthorization proposals on the Department of Energy's Environmental Restoration and Waste Management Program.

SD-366

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Veterans of World War I, Association of the U.S. Army, The Retired Officers Association, and the Military Order of the Purple Heart.

345 Cannon Building

10:00 a.m.

Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for National Guard and Reserve programs, focusing on manpower and equipment requirements and the restructuring of brigades.

SD-116

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Emergency Management Agency.

SD-124

2:00 p.m.

Appropriations
Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).

SD-138

MARCH 25

10:00 a.m.

Appropriations
Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Management and Budget, and the Executive Office of the President.

SD-116

APRIL 11

2:00 p.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Marketing and Inspection Services, Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service, all of the Department of Agriculture.

SD-138

APRIL 12

10:00 a.m.

Appropriations
Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on classified programs.

S-407, Capitol

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Na-

tional Oceanic and Atmospheric Administration, Department of Commerce.

S-146, Capitol

APRIL 13

9:30 a.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1995 for the Bureau of Indian Affairs.

SR-485

10:00 a.m.

Appropriations
Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Energy, focusing on fossil energy and clean coal programs.

SD-116

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Coast Guard, Department of Transportation.

SD-138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Postal Service.

SD-192

APRIL 14

9:30 a.m.

Energy and Natural Resources

To hold hearings on the operating and economic environment of the domestic natural gas and oil industry.

SD-366

10:00 a.m.

Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on health services and infrastructure.

SD-192

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, both of the Department of Justice.

S-146, Capitol

APRIL 18

2:00 p.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Science and Education, Agricultural Research Service, Cooperative State Research Service, Extension Service, and Alternative Agricultural Research and Commercialization, all of the Department of Agriculture.

SD-138

APRIL 19

9:30 a.m.

Rules and Administration

To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Subtitle A, Parts I and II of Title III, relating to Congressional biennial budgeting and additional budget process changes.

SR-301

10:00 a.m.

Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.

SD-192

APRIL 20

10:00 a.m.

Appropriations
Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Treasury.

SD-116

APRIL 21

10:00 a.m.

Appropriations
Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on intelligence programs.

S-407, Capitol

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Housing and Urban Development.

SD-106

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Fish and Wildlife Service, Department of the Interior.

S-128, Capitol

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Securities and Exchange Commission, and the Federal Communications Commission.

S-146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Aviation Administration, Department of Transportation.

SD-138

APRIL 25

2:00 p.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for International Affairs and Commodity Programs, Natural Resources and Environment, Agricultural Stabilization and Conservation Service, Foreign Agriculture Service, Soil Conservation Service, and Federal Crop Insurance Corporation, all of the Department of Agriculture.

SD-138

APRIL 26

10:00 a.m.

Appropriations
Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on

National Foreign Intelligence Programs (NFIP) and Tactical Intelligence and Related Activities (TIARA).

S-407, Capitol

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Justice Programs, and the Immigration and Naturalization Service, both of the Department of Justice.

S-146, Capitol

APRIL 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Transit Administration, Department of Transportation, and the Washington Metro Transit Authority.

SD-138

APRIL 28

9:30 a.m.

Rules and Administration

To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Subtitle A, Parts I and II of Title III, relating to Congressional biennial budgeting and additional budget process changes.

SR-301

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Environmental Protection Agency, and the Council on Environmental Quality.

SD-136

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Information Agency.

S-146, Capitol

2:30 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Bureau of Indian Affairs, Department of the Interior.

SD-116

MAY 3

9:30 a.m.

Energy and Natural Resources

To hold hearings on Boron-Neutron Cancer Therapy.

SD-366

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Food

and Consumer Services, Food and Nutrition Service, and Human Nutrition Information Service, all of the Department of Agriculture.

SD-138

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on defense conversion programs.

SD-192

MAY 5

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Legal Services Corporation.

S-146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Transportation Safety Board, and the National Highway Traffic Safety Administration, Department of Transportation.

SD-138

MAY 10

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Commodity Futures Trading Commission, the Farm Credit Administration, and the Food and Drug Administration, Department of Health and Human Services.

SD-138

MAY 11

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Park Service, Department of the Interior.

S-128, Capitol

MAY 12

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.

SD-106

MAY 17

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the De-

partment of Defense, focusing on the Pacific Rim, NATO, and peacekeeping programs.

SD-192

MAY 19

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.

SD-192

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veterans Affairs, and the Selective Service System.

SD-106

MAY 20

9:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran's Affairs and Housing and Urban Development, and independent agencies.

SD-138

MAY 25

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.

S-128, Capitol

MAY 26

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.

SD-106

JUNE 8

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.

S-128, Capitol

JULY 19

10:00 a.m.

Appropriations

Defense Subcommittee

Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.

SD-192

March 9, 1994

EXTENSIONS OF REMARKS

4341

CANCELLATIONS

POSTPONEMENTS

MARCH 11

MARCH 16

MARCH 10

9:30 a.m.

Indian Affairs

To hold hearings on S. 1876, to revise the Solid Waste Disposal Act to grant State status to Indian tribes for purposes of the enforcement of such Act.

SR-485

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies.

SR-253

10:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation to reauthorize the Earthquake Assistance Program.

SR-253